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PROBATION AND THE PREVENTION OF DELINQUENCY



PROCEEDINGS
OF THE
NATIONAL PROBATION ASSOCIATION
1923



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PROBATION AND THE PREVENTION OF DELINQUENCY

**Proceedings of the
Seventeenth Annual Conference
of the
NATIONAL PROBATION ASSOCIATION**

**Held in
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**Together with
Papers Presented at the Conference of the Association**

**Held in Connection with the
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Boston, Massachusetts, September 13-17, 1923**

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TO CONTRIBUTORS

The Board of Directors of the National Probation Association desires to express the sincere thanks of the Association to all those who have aided and supported its work by their contributions of money and services during the past year. The success and growth of the organization are largely due to the public-spirited generosity of the members and contributors.

Gen
Dir.

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ORGANIZED 1907

To study, establish and develop standards in juvenile, domestic relations and other courts, and in probation and parole work; to promote social and effective treatment and prevention of delinquency throughout America

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The General Secretary is ex-officio a member of all committees.

The next Annual Conference of the Association will be held in Toronto, Canada, June 23-28, 1924.

NATIONAL PROBATION ASSOCIATION

Historical Sketch

At the request of the members of the Association at its 1923 meeting, this brief history has been prepared. We hope that it will be of value not alone to our members but to others interested in the development of organized probation service in the country. It shows the various steps taken in developing the Association from a simple annual conference of probation officers to its present status of a year-round working national organization.

In June 1907, at the suggestion of Hon. Timothy D. Hurley of Chicago, a group of probation officers attending the thirty-fourth National Conference of Charities and Corrections at Minneapolis met and formed the National Probation Officers' Association. A simple plan of organization was agreed upon, without constitution or by-laws, and at first the membership was limited to probation officers. An annual conference was planned. The officers elected were as follows:

President—T. D. Hurley, Chicago

Vice-President—John J. Gascoyne, Chief Probation Officer, Newark

Treasurer—Mrs. I. L. Gregory, Juvenile Court, Denver

Secretary—Arthur J. Todd, Juvenile Court, San Francisco

Mr. Hurley was at the time a prominent attorney of Chicago. He was a member of the original committee which established in that city the first juvenile court. In addition to the above, ten other probation officers attended the first conference and paid their dues as charter members. These were: W. F. Zuerner, Milwaukee; C. H. Bates, Denver; J. M. Gloer, Atlanta; E. S. Johnson, New Britain; Mrs. Emma Quinlan and Mrs. J. M. Barnard, Chicago; Mrs. Heller, Omaha; and the Misses Fitzgerald, Macomber and Rust of Minneapolis.

In 1908 occurred the second annual meeting of the Association

at Richmond, in conjunction with the National Conference of Charities and Corrections, which afterward became the National Conference of Social Work. For several years the annual conference constituted the outstanding activity of the Association. The officers elected for the ensuing year were: Henry W. Thurston, then Chief Probation Officer of the Juvenile Court, Chicago, Chairman; John J. Gascoyne, Vice-Chairman; Mrs. I. L. Gregory, Secretary-Treasurer.

In June 1909 the third conference was held, at Buffalo. Three meetings were held, with an average attendance of 150. By-laws were adopted and a firm organization was established. The by-laws provided that membership should be open to probation officers, parole officers, judges and "any other persons interested in probation." The following officers were elected: Chairman—Homer Folks, President of the New York State Probation Commission, New York City; Vice-Chairman—Judge William H. DeLacy, Juvenile Court, Washington; Secretary-Treasurer—Roger N. Baldwin, Chief Probation Officer, Juvenile Court, St. Louis.

Year-round work, on a limited scale, began that year. Two very practical needs of the probation service were first taken up. The bringing together into conference of probation officers from many states revealed a deplorable lack of agreement as to forms and terminology and an almost complete absence of accurate statistics and reports. It was felt that this was almost the first problem to be taken up if probation were to develop into a scientific, effective system. Accordingly, Chairman Folks appointed a "Committee on Forms, Terminology, Statistics and Reports." The chairman of the committee was Bernard Flexner, an attorney, then of Louisville, who had interested himself actively in the development of the juvenile court. The other members of the committee were Judge Harvey H. Baker, Juvenile Court, Boston; Judge Julian W. Mack, Juvenile Court, Chicago; Edwin Mulready, Secretary of the Massachusetts Commission on Probation; Arthur W. Towne, Secretary of the New York State Probation Commission; Judge Ben B. Lindsey, Juvenile Court, Denver; Maude E. Miner, Secretary, New York Probation and Protective Association, New York; Judge DeLacy and Mr. Baldwin. The committee did active work, presenting a preliminary report at the

conference in 1910; and a full report was published in 1911. The pioneer work done by this committee was continued by the Committee on Juvenile Courts and Probation, which reported to the conference in 1912. The report of the committee, enlarged and improved by the work of two of its members, Bernard Flexner and Roger N. Baldwin, was published in 1914 by the Century Company* and has become a standard work on the subject.

The other task undertaken by the Association in 1909-10 was the publication of the first directory of probation officers and judges in the United States. Several have since been published.

The 1910 conference of the Association, at St. Louis, was a pronounced success. Seven meetings were held, including joint sessions with the National Conference on the education of Backward, Truant, Delinquent and Dependent Children and the National Conference of Charities and Corrections. The following officers were elected: Chairman—Judge Harvey H. Baker, Boston; Vice Chairmen—Judge William H. DeLacy and Mrs. I. L. Gregory; Secretary-Treasurer—Mr. Baldwin.

The 1911 conference was held in Boston in June. The Secretary reported that an active corresponding secretary had been appointed in each state of the Union. At this meeting it was voted to change the name of the organization to National Probation Association, and the annual dues were increased from twenty-five to fifty cents, being increased the next year to \$1. Officers elected were: President—Judge George S. Addams, Juvenile Court, Cleveland; Vice-Presidents—Edwin Mulready, Boston, Mrs. Emma Quinlan, Juvenile Court, Chicago; Secretary-Treasurer—Arthur W. Towne, Secretary, New York State Probation Commission.

At the sixth annual conference of the Association, at Cleveland, in 1912, an elaborate program was presented. Reports were made by two committees which had been active during the year,—the Committee on Juvenile Courts and Probation, previously referred to, and the Committee on Adult Probation, of which Hon. Frank E. Wade of Buffalo, a member of the New York State Probation Commission,

* "Juvenile Court Standards," U. S. Children's Bureau Publication No. 121. The Century Co., 1914, 308 pp., price \$2.00.

was chairman. Officers elected were: President—Bernard Flexner, Louisville; Vice-Presidents—Judge Charles E. DeCourcy of the Superior Court (now of the Supreme Court) of Massachusetts, and Mrs. Joseph H. Bowen, President of the Juvenile Protective Association, Chicago; Mr. Towne continuing as Secretary.

The annual conference of 1913 was held at Buffalo. The following officers were elected: President—Edwin Mulready, Boston; Vice-Presidents—Arthur W. Towne, Brooklyn, and Julia C. Lathrop, Chief, Children's Bureau, Washington; Secretary-Treasurer—Hugh Fullerton, Chief Probation Officer, Juvenile Court, St. Louis. During the ensuing year, the Association published a new edition of its National Directory.

The 1914 conference was held in Memphis. The attendance was small, but a good program was carried out. The following officers were elected: President—John J. Gascoyne, Newark; Vice-Presidents—Frank E. Wade, Buffalo, and Mrs. Benjamin J. West, Chief Probation Officer, Juvenile Court, Memphis. Mr. Fullerton was re-elected Secretary-Treasurer, resigning, however, during the year because of leaving the probation service.

In 1915 the fortunes of the Association reached their lowest ebb, and there was some talk of discontinuing the organization. The membership had been reduced to less than 50, and the Association had no secretary. However, through the active efforts of the President, Mr. Gascoyne, a successful though small conference was held in Baltimore. In a stirring address, Mr. Mulready, who had been an earnest proponent of a strong national organization, urged that efforts be made to develop the Association into an active force throughout the country. Resolutions were adopted upon the death, early in the year, of Judge Harvey H. Baker, of the Boston Juvenile Court, a pioneer in juvenile court work, an officer of the Association and a consistent attendant at its meetings.

The following officers were elected at the 1915 meeting: President—Frank E. Wade, Buffalo; Vice-Presidents—Albert J. Sargent, Chief Probation Officer, Municipal Court, Boston, Mrs. Benjamin J. West, Memphis, and John W. Houston, Chief Adult Probation Officer, Chicago; Secretary-Treasurer—Charles L. Chute, who had succeeded

Mr. Towne as Secretary of the New York State Probation Commission. During the ensuing year active work was carried on to make the Association known throughout the country and to extend its membership. We began the year considerably in debt, but this was cleared off and a small surplus secured. The Proceedings of the annual conference were published for the first time and sent to all members; they have been published each year since.

An active campaign was begun this year for the enactment of a Federal probation law. As early as 1909 the Association had sponsored the introduction of a bill in Congress by Senator Owen, providing for a probation system in the United States District Courts. This, however, had never been pushed. Probation for the Federal courts had been discussed each year at our conferences. At the 1912 meeting, Judge William R. Day, then of the U. S. District Court, Cleveland, and later Secretary of State and a member of the U. S. Supreme Court, strongly advocated such a law. In the spring of 1916 the Secretary took up the pending bill with various members of Congress and arranged for hearings before the Senate and House Judiciary Committees. As a result of these hearings and the subsequent campaign in which the members of the Association were enlisted, our bill, somewhat amended, passed both houses of Congress in 1917. However, it failed to receive the President's approval. Since that date, the Association has had similar bills introduced in each session of Congress. Two more hearings were held before Congressional committees, but without final success. At this writing (January, 1924) a new campaign is under way to secure this much needed measure.

The tenth annual conference of the Association, at Indianapolis, in May 1916, was a revival of the large conventions of earlier years. Over 200 attended, including many progressive judges, and much enthusiasm was shown. The report of a committee on "Standards in Juvenile Court Work" was presented by the chairman, Roger N. Baldwin. The work for better standards, initiated by earlier committees of the Association, was supplemented by this report, and a recommendation was made that the Federal Children's Bureau be asked to make a study of juvenile courts in the United States. Miss

Lathrop, Chief of the Children's Bureau, arranged for such a study and invited our committee to assist in preparing the schedules of inquiry which were used in the study. The results were published by the Children's Bureau in 1920.* This publication constituted the first complete survey of juvenile courts that had ever been made.

The Association also suggested to the Children's Bureau that it make a study of rural juvenile delinquency in a few representative communities. This was carried out in 1916 under the direction of Henry W. Thurston of the New York School of Social Work. A valuable report on rural delinquency in three counties of New York State was published by the Children's Bureau.** Mr. Thurston was at the time chairman of our Committee on Rural Probation, which cooperated in the study and reported thereon at Indianapolis and at succeeding conferences.

The following officers were elected for 1916-17: President—Albert J. Sargent, Boston; Vice Presidents—Mrs. Benjamin J. West, Memphis; John W. Houston, Chicago; Thomas G. Parris, Chief Probation Officer, Municipal Court, Philadelphia. Mr. Chute was re-elected Secretary-Treasurer for this and each subsequent year until his appointment as permanent General Secretary in 1919.

The eleventh annual conference of the Association was held at Pittsburgh in 1917. The Association showed continued growth. One of the most important contributions at this conference was the report of a new Committee on Courts of Domestic Relations, of which Judge Charles W. Hoffman of the Domestic Relations Court of Cincinnati was chairman. The committee had been active, holding a meeting earlier in New York, and presented to the Association recommendations which were adopted. These urged the establishment of "Family Courts," combining the jurisdiction of present domestic relations courts and juvenile courts and putting into one socialized court all matters relating to family welfare, including divorce. Since the adoption of this report, the Association has consistently advocated the plan of a family court of broad jurisdiction as the ideal toward which to

**Courts in the United States Hearing Children's Cases*, by Evelina Belden, U. S. Children's Bureau Publication No. 65.

***Juvenile Delinquency in Rural New York*, by Kate H. Claghorn, U. S. Children's Bureau Publication No. 32.

work wherever practicable. This committee presented valuable reports, showing progress in this direction, at the next five annual conferences.

At this meeting the following officers were elected: President—Mrs. Benjamin J. West, Memphis; Vice-Presidents—John W. Houston, Chicago; Judge Charles W. Hoffman, Cincinnati; Herbert C. Parsons, Secretary, Massachusetts Commission on Probation, Boston.

The Association began at this time to give increased attention to legislation. A model probation law was drafted. A special act was prepared for Virginia, upon invitation of the State Board of Charities and Corrections, which was enacted by the legislature, without material changes, as Chapter 349, Acts of 1918.

In cooperation with the National Conference of Social Work the Association published the third edition of the National Directory of Probation Officers.

The twelfth annual conference was held at Kansas City in 1918. At this conference a Committee on Standards of Supervising Probationers was appointed, which cooperated with a committee of the New York State Probation Commission in preparing a valuable set of standards. The Association voted to increase the minimum dues to \$2. The following officers were elected: President—Judge Charles W. Hoffman, Cincinnati; Vice-Presidents—Edwin J. Cooley, Chief Probation Officer, Magistrates' Courts, New York City; Herbert C. Parsons, Boston; Maude E. Miner, New York City.

At the request of the National Child Labor Committee, a juvenile court law was prepared for North Carolina, which was enacted without material change by the legislature as Chapter 97, Laws of 1919. The act established a juvenile court in each county of the state.

The Thirteenth annual conference, at Atlantic City in 1919, was a large gathering. At this meeting new by-laws were adopted, providing for a continuing Board of Directors and centering in the Board responsibility for the direction of the work. The fiscal year was made to end on March 31. The membership had been gradually increasing each year, numbering at the close of this conference 649. The officers elected were: President—Edwin J. Cooley, New York

City; Vice-Presidents—Herbert C. Parsons, Boston, and Judge Charles L. Brown, Municipal Court, Philadelphia.

The fourteenth annual conference, at New Orleans in 1920, though the first held in the Far South, was well attended and enthusiastic. The officers elected were: President—Herbert C. Parsons, Boston; Vice-Presidents—Judge Charles L. Brown, Philadelphia, Mrs. Jennie W. Erickson, Chief Probation Officer, Juvenile Court, Little Rock; Judge Hugo Pam, Superior Court, Chicago.

An adult probation law was prepared that year at the request of judges in Toronto, which, with modifications, was later enacted for the whole of Canada. The Secretary prepared a monograph on juvenile probation, which was published by the Children's Bureau.

In May 1921, the Board of Directors met in New York City and adopted a budget of \$10,000, with provision for a full-time secretary, a stenographer and office quarters in that city. Charles L. Chute, who had served voluntarily as Secretary-Treasurer since 1915, resigned as Secretary of the New York State Probation Commission and was appointed by the Board to be the full-time secretary of the Association.* First steps were taken by the Board to incorporate the Association.

Back of this action lay a successful effort to obtain funds for the rapidly growing work. Pledges approximating \$4,500 had been secured by the Secretary, consisting of small contributions from a large number of people and a generous subscription from Mrs. Helen Hartley Jenkins. In addition, we received a conditional grant from the Milbank Memorial Fund of \$15,000 to be distributed over five years. Offices were secured in the Penn Terminal Building, New York City.

The fifteenth annual conference occurred in June 1921 in Milwaukee. Over 300 were in attendance. A feature of the conference was the holding of three joint sessions with the Children's Bureau to discuss juvenile courts. In cooperation with the Association, the Children's Bureau appointed a committee to draft a set of standards for the courts. Judge Charles L. Brown of Philadelphia was selected

*The Association owes a debt of gratitude to the New York State Probation Commission for the use of its office and for permitting its Secretary to carry on the work of the Association for the six years from 1915 to 1921.

President and Judge A. C. Backus of the Municipal Court, Milwaukee, Vice-President. Herbert C. Parsons was elected Chairman of the Board of Directors, succeeding Maude E. Miner, who had been very active in the early development of the Association.

A special meeting of the members of the Association was held in New York in October of that year, at which a resolution for incorporation was adopted. Incorporation was completed in December 1921.

During the year the work of the Association advanced rapidly. As far as the limited staff permitted, field work was undertaken, the Secretary conducting surveys, addressing gatherings and organizing a number of local committees. Work of this character was undertaken in Ohio, Kentucky, Maryland and Pennsylvania, in addition to visits to courts in other states. A study of the facilities provided for training probation officers was undertaken. The Secretary participated in the first institute for probation officers and judges at the Ohio State University. In October a conference of Southern court workers was held in conjunction with the American Prison Congress at Jacksonville.

In the spring of 1922 the first number of the *Probation Bulletin* was published, which has since been issued every other month. It is sent free to members and contains news from the field, case studies and other information of value to probation workers. Leaflets and pamphlets of educational value were also issued.

The problem of financing the work was a difficult one. We adopted a policy of building up a general membership, using the written appeal largely. The Board of Directors elected George Gordon Battle, a prominent attorney of New York City, as Treasurer of the Association. At the end of the fiscal year we were confronted with the difficulty of being unable to raise the amount required to receive the first installment of the Milbank donation; but this was finally made possible in April 1922 through the cooperation of Judge Brown and the probation officers of the Philadelphia Municipal Court, who contributed \$3,000 to the Association. This enabled the Board to adopt a budget of \$15,000 for 1922-23, providing for an additional employee.

The sixteenth annual conference of the Association occurred

at Providence in June 1922. Eleven sessions were held, including a joint session with the Children's Bureau on juvenile courts and two joint sessions with the National Conference of Social Work. Several special committees of the Association presented valuable reports and programs. At this meeting Judge A. C. Backus of Milwaukee was elected President and Judge James Hoge Ricks of the Juvenile and Domestic Relations Court, Richmond, Vice-President.

During the year 1922-23 the work continued to develop. Increasing calls for field service were received. A study of the juvenile court work of St. Paul was made at the request of the local Community Chest. The Secretary visited Virginia at the request of the State Board of Public Welfare, assisting in developing the work of the juvenile and domestic relations courts in twelve rural counties. Courts were visited in many cities. We worked with committees organized during the previous year in Cleveland, Philadelphia and Louisville and assisted in organizing state probation associations in Tennessee, Maryland and Minnesota. We assisted in drafting bills and furthering legislation in New York, Ohio and other states.

The work of education and serving as a clearing house for information increased. Beside the regular publications, the *Proceedings* and the *Probation Bulletin*, early in 1923 we issued a new *National Directory*.* This showed 2694 paid officers in the United States and Canada. A bibliography was issued. Pamphlets and leaflets were published

During the year we had the assistance of a number of volunteer committees. Several of these met and prepared valuable reports for the 1923 conference. Active cooperation was given to the Children's Bureau Committee on Juvenile Court Standards, which submitted its final report at a joint meeting in connection with the seventeenth annual conference of the Association, in 1923.

During the year the active paid membership increased from 1127 to 1675. At the present writing (January 1924) the membership is over 2600.

*Directory of Probation Officers of the United States and Canada. National Probation Association, January 1923. Price 25c.

In October 1922 the second special Fall conference was held in conjunction with the American Prison Association meetings in Detroit. Five well attended meetings were held. At this meeting Franklin Chase Hoyt, Chief Justice of the Children's Court, New York, was elected Chairman of the Board of Directors, to succeed Herbert C. Parsons.

In April 1923 the Board adopted a budget of \$18,900 for the year 1923-24, providing for an additional employee, making a staff of four.

In June 1923 the seventeenth annual conference was held in Washington. This was by far the largest held. The registration was 370, with delegates from 32 states and several foreign countries. The *Proceedings* are published herewith.

PRESENT STATUS OF THE WORK

Since the Washington conference, field work has been carried on in Connecticut, Illinois, New York, Minnesota and elsewhere. The increasing number of requests for assistance in local surveys and for extension and organization work from all parts of the country has made it clear that a field secretary to assist in this work is now an absolute necessity. It is hoped that this may be provided for in the near future.

In September was held the third annual Fall conference with the American Prison Association, at Boston. Five interesting meetings were held, which were attended by many who were unable to attend the annual conference at Washington. The next annual conference will be held in Toronto, in June 1924.

The publications of the Association are becoming of increasing value and are in greater demand. The publication in the *Probation Bulletin* of brief case studies, items about new methods, bibliographies, etc., has made this valuable to all probation workers. The *Proceedings* form the only textbook each year of developments in all phases of social court work. The supplying of publications, information, drafts of bills, etc., is increasing with the growth of interest in social court work throughout the country.

Carrying on the work initiated by the Children's Bureau Committee on Juvenile Court Standards, the Association is now engaged, through

a very able committee, in drafting a model juvenile court law. We plan active efforts throughout the country to improve and make more uniform all legislation relating to probation.

The Committee on Records and Statistics is doing a thorough piece of work in preparing case record forms and statistical reports. It has held four meetings since the Washington conference.

We are now engaged in an active campaign to secure passage by Congress of the much needed act authorizing the use of probation in the Federal courts.

Other fields in which the Association is active are the development of training for probation officers; extension of and close cooperation with official state probation commissions or other state agencies supervising probation work; the organizing of state probation associations and local committees, affiliated with the National Association; the improvement of methods of handling cases.

The Association stands for extension of good probation organization throughout the country; for mutual assistance between probation officers, judges and all concerned in social court work; and finally, and perhaps most important, for the education of officials and the public everywhere to the vital need for thorough, early, social treatment of delinquency and its causes.

CHARLES L. CHUTE,
General Secretary

FOREWORD

The following series of papers and discussions were presented at the seventeenth annual conference of the National Probation Association at Washington, May 14-19, 1923. To these have been added the important papers and addresses presented at our special fall conference arranged in conjunction with the American Prison Association at Boston, September 13-17, 1923.

The Washington conference was by far the largest gathering of judges, probation workers and others interested in social court work yet held in this country. The actual registration was 370, with at least 400 in attendance. Delegates came from 32 states and two foreign countries.

The conference showed enthusiasm and progress in developing the social court ideal. Many advances were reported, and the most progressive phases of the work discussed. Better case methods, psychiatric clinics, the need for better statistics, methods of training probation officers, relation of the juvenile court to the schools—these were some of the important topics discussed. One of the most valuable sessions was held jointly with the Children's Bureau for the discussion and adoption of juvenile court standards. No report of this meeting is contained in the Proceedings which follow. The discussion, while interesting and prolonged, was most informal. The results of the meeting may be found in the complete set of standards for juvenile courts published by the Children's Bureau.* Other important meetings were the joint session with the Committee on Law and Government of the National Conference of Social Work, addressed by Judge Charles W. Hoffman and Judge Frederick P. Cabot, and the luncheon meeting at the invitation of the Washington Rotary Club, addressed by Bernard J. Fagan, Judge Hoffman and Herbert C. Parsons. No report of these addresses was secured, and accordingly

* "Juvenile Court Standards." U. S. Children's Bureau Publication No. 121

they do not appear in the Proceedings. All other important addresses are published herewith, with such excerpts from the discussions as were of especial value.

It is hoped that this volume will be of real service in establishing standards and aiding in the development of probation and social courts and in the prevention of delinquency.

CHARLES L. CHUTE,
General Secretary

***"If thou art able, correct by teaching
those who do wrong."***

MARCUS AURELIUS.

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PROCEEDINGS
OF THE
SEVENTEENTH ANNUAL CONFERENCE
OF THE
NATIONAL PROBATION ASSOCIATION, Inc.

PROGRESS IN TREATING THE OFFENDER

HON. A. C. BACKUS

Judge, Municipal Court, Milwaukee,

President of the Association

The treatment of those who violate the law is one of the most difficult of the larger social problems. From the beginning, law-abiding society has been a harsh keeper of its erring brother. Modern thought and humanity have moved rapidly from the spirit of the middle ages to a more tolerant understanding of the causes of crime and toward the reclaiming and reconstructing of offenders wherever possible to greater usefulness in society.

Philanthropists, criminologists, sociologists, and penologists have differed as to how the law should be administered and what punishment should be inflicted upon the transgressor.

For many centuries it was the practice simply to inflict punishment, so that the law might be vindicated, and have a deterrent effect upon others in the community. The reformation or the reclamation of the individual was entirely overlooked. The terrific personification of punishment in the Hindu Code was a living reality. Punishment was the inspirer of terror. No sentiment of humanity toward the prisoner seems ever to have penetrated the breast of a jailer; no look or tone of kindness seems ever to have saluted the culprit's senses

or soothed the misery of his incarceration. The inscription over the entrance to Dante's *Inferno* "Let all who enter here leave hope behind," stood for centuries over all the prisons of the world, crushing every aspiration, paralyzing every effort and hope. For ages, punishment for the sake of punishment, and torture for the sake of torture was very generally in vogue. It was practiced with horrible severity by the ancient Persians, Egyptians, Phoenecians and Carthaginians. Prison was an awful abode, and as a writer has said, "Not short would be the narrative could I here produce all the historical attestations of that cruelty and ferocity which characterized the treatment of prisoners among the nations of the East".

An eye for an eye, a tooth for a tooth, a limb for a limb, degradation, whipping, branding, hanging, maiming, chambers of torture, men's bodies broken on wheels, suspension by arms and legs with great weights attached, the flesh burned and seared by irons white hot, human bodies roasted over slow fires, buried alive, thrown to wild beasts, molten lead poured into the ears, faces of men placed towards the flaming sun and their eyes blinded, tied by the sea to be drowned by the rising tide; all these have been tried and victims have given up their lives by the millions, and yet so-called criminals did not become extinct. It is an historical fact that crime increased with the imposition of these terrible penalties.

It will be enough to recall the names of the Tower of London, the Mamertine Prison at Rome, the Bastile at Paris, the Spielberg of Austria, the Plomes of Venice, the Mines of Siberia, as types of ten thousands of others less renowned but no less cruel in all ages and parts of the world. In the reign of Henry VIII, 72,000 thieves were hanged, making an average of two thousand a year. In 1768 Chancellor Blackstone published his *Commentaries*, and he was successful in bringing before the public the awful folly of extreme penalties. His advocacy of more humane treatment met with public favor and approval. Sir Samuel Romilly, a great lawyer and statesman, did much to modify the criminal code of England at the commencement of the nineteenth century. At that time the criminal code was inhumanly

severe, the punishment of death could legally be inflicted for more than two hundred offences, for instance it was a capital offence to pick a man's pocket, to steal five shillings from a shop, to harbor offenders against the excise law, to steal a sheep, an ox or a horse, or to commit larceny of almost any kind. It was not unusual to find the prisons filled with children, many under ten years of age, who had been informed against for stealing. In March 1816 Parliament passed a bill repealing the death penalty for larceny. George Barnett, a boy of the age of ten years, had been convicted of larceny and was lying in Newgate prison under sentence of death. It was through the untiring efforts of Romilly, Wesley, and Whitefield, who aroused the public conscience, that the criminal code of England was finally revised.

Court decisions and the code of England had a direct influence upon criminal procedure and punishment in this country, and we read from the early history of our own country that women and children were hanged in iron frames; that terrible punishments were inflicted in the prisons of the east and the south; that the Virginia court disfigured the faces of men and women who committed crime; that in Massachusetts women were burned at the stake because it had been judicially determined that they were witches; that negroes were burned alive, sometimes with green wood to prolong their agony. The stocks, the pillory, the whipping-post, were to be seen everywhere. All of these horrible punishments shocked men and women of humane principles, and finally led to statutory changes and prison reform in the United States.

It is but in recent years, however, that new ideas and a new thought and a new way of administering justice have been promulgated, so that men, women and children who have erred may be saved or reclaimed. Reform schools, reformatories, juvenile courts, courts of domestic relations, and special criminal courts have been established by the state, and the good results have been marvelled at even by their most ardent advocates.

We are more concerned with the first offender than any other class. It is to this large class that our work and efforts should be

chiefly directed. Those with hereditary or inborn defects should be treated at institutions. The habitual criminal who has acquired criminal tendencies due mainly to the influence of his environment should be segregated from society as soon as it is discovered that he cannot adjust himself to the social order. This segregation, however, should be on a public farm and not in a cell or dungeon. Work in the fresh air and sunshine builds up the body and mind and makes for a normal man.

Probation, both juvenile and adult, is of quite recent adoption. It is distinctively an American institution. Every state is now using this system to a greater or less extent. Many European countries and South American states have provided for juvenile courts and juvenile and adult probation work, and nearly all of them have followed the American idea.

It should be understood that probation is not a species of leniency as some seem to believe, nor is it a license for first offenders to commit crime. It is a scientific method of treating offenders, a showing of the way,—to protect and to aid rather than to crush.

There has been some discussion as to what agency can best carry on the work with juvenile offenders, which in its nature is scientific and constructive. Some believe that the juvenile court should function as part of the educational system of the community. I am of the firm opinion that the courts should be charged with this most important duty. The best qualified men and women in the highest courts in the community, with all the powers of courts of chancery, unlimited in their jurisdiction, surrounded by trained probation officers, experts and doctors, should constitute this most important tribunal. Remember we are dealing with the liberties of children, with their adoption, with their welfare, with the future citizens of our country. A court of original jurisdiction can function better in every way, without being hampered or restricted in its powers and decisions. This work is purely a judicial function and under the constitution cannot be delegated to any other agency.

Juvenile and adult probation should be standardized as far as possible. Our General Secretary, Mr. Chute, has done remarkable work in the various states during the past year, and he will outline to you during our sessions the result of his efforts and investigations. I feel that the field service of our organization should be enlarged.

Since the organization of the psychopathic clinic by Dr. Healy in the juvenile court of Chicago the place of the medical expert in dealing with juvenile delinquency has been assured. Mental and physical defectiveness next to defective environment and training is probably the greatest cause of delinquency.

In the Municipal Court of Philadelphia, juvenile division, last year, 71.5% of the complaints in the children's cases were disposed of unofficially, without making any court record, the great majority being of the incorrigible or mischievous class. This work is to be commended, and wherever possible I would suggest that that procedure be followed, especially where there is an efficient staff of trained probation officers.

Many times the parents are more responsible for the child's downfall than is the child. It is very frequent that it becomes the duty of the court and officials to correct the parent rather than the child. The home after all is the foundation of society; a well-regulated home gives to the world well-regulated children.

The adult probation system should be inaugurated in every state in the Union. I venture to say that within the near future Congress will enact a law that will enable Federal courts to do constructive work in saving certain first offenders, as is now being done in the state courts.

In New York State last year 21,719 persons were placed on probation, one-third of these were children under sixteen years of age, and out of 20,679 persons discharged last year 75.9 per cent were successful and were honorably discharged. In New York State the total per capita cost of supervising a probationer for one year is estimated at \$29.39, while the per capita cost of maintenance in the prisons and

reformatories of the state is \$484.75. But the greatest accomplishment after all is the saving of the individual. In Massachusetts Hon. H. C. Parsons reports that 25,000 persons were placed on probation, and that eighty percent were discharged as successful cases after a period of one year. In Wisconsin as in other states the adult probation system has become a fixed policy in our judicial system. Out of 4600 felonies, first offence, over eighty percent placed on probation have been successful and were discharged.

Prevention is the greatest remedy for crime. It is very important to discover the individual while he is drifting and before he commits crime. The good men and women of our country should join in this movement of conservation; the saving of our youth means the building of the nation. We meet many in every walk of life who need advice; there are thousands who need medical attention; thousands who are physically and mentally weak and unfit. The American child means more to the nation than any of its other assets. We need more preventive work, more recreational centers, more medical attention, more extensive research. A close, careful observation of the child and suggestions by medical experts will give us a stronger and a healthier citizenship in the future. Early preventive work is what will reduce crime and cure a thousand ills and solve many problems. We must seek to bring up healthy, strong, normal children,—not to propagate in weakness.

The Hon. Charles L. Brown of Philadelphia well said in his address last year, "The judges, probation officers, social workers, are spokesmen in the war not against evil and injustice so much as against social error, social maladjustment, and their causes, lying in the environment beyond the self-help of the unfortunate individual who is battling alone against mischance."

We have a special service to perform. Probation is not only scientifically correct, but it is fundamentally necessary. It is the great law of God,—*"Love thy neighbor as thyself"*, interpreted by the humble Nazarene when he said to the woman: *"Go, and sin no more"*. It is dramatically expressed by Shakespere in his *"Mercy*

is not strained but droppeth as the gentle rain from Heaven". It is found in the great heart and character of our beloved Lincoln,—
"With malice toward none, with charity for all."

Then

"Speak gently of the erring;
O do not thou forget,
However darkly stained by sin,
He is thy brother yet;
Heir of the self-same heritage,
Child of the self-same God;
He hath but stumbled in the path
Thou hast in weakness trod."

PROBATION AS A NATIONAL ASSET

HON. EDWIN DENBY, *Secretary of the Navy*

"Man's inhumanity to man," against which the spirit of religion and of civilization has vainly rebelled through all the ages, was never better illustrated than in the treatment of the weak, the deficient, and the law-breaker. Until very recently, as time goes in the life of nations, the law of the wolf pack has been the law of the most enlightened states. The fruits of the chase were for the strong alone. The weakling and the aged, feeble victims of temptation and of disease, fared but ill under laws made by the strong, for the strong, strong in health and riches and power. Like a mockery rang in the churches Christ's cryptic phrase, "To him that hath shall be given, and from him that hath not shall be taken away even that which he hath."

We shudder as we read the old dreadful laws of our own country and of England whence came so much of our social thought. The death penalty for veritable trifles, the debtor's prison for the unfortunate, the stocks, the ducking stool, Botany Bay—all these in modern times, almost in our own times. And all the time, while the hands of man were applying the lash and building the dungeon, the

lips of man were mouthing the teachings of the tender Friend of all mankind. But it was not hypocrisy. It was ignorance and mass apathy.

Now we have seen the awakening of the social conscience. Men were slowly climbing from plane to plane of social thought, from ignorance to enlightenment. Men were coming at last to realize the practical fact that we *are* our brother's keeper. The last few decades have been effulgent with the glory of the rising sun of mercy, the mercy that does not obscure, but does temper justice, and help her blindness.

First, we realized how wickedly harsh our laws have been, and changed them. Then we realized that the same offenses committed by different persons under different circumstances might represent widely divergent degrees of criminality, and that no fixed rule could cover all cases.

So we adopted the indeterminate sentence system. And concurrently with these changes ran many social reforms. Prisons were made better, and prison methods were improved. Much has been done, and much remains to do, before society can be held consistent with its much preaching and vaunted ideals.

There is still far too much good human material that goes to the scrap heap. Much of it might be salvaged, and will be, as new agencies of reclamation get to work, and the old agencies are improved. There is neither cause for despondency nor reason for serious criticism in the present situation. So very much has been done, and so much more will be done. Strong minds and hearts and hands are backing many movements designed to save for the nation's need, those whom under-privilege, hard luck and bad environment might otherwise condemn to lives of struggle, sadness and perhaps crime.

Such fine organizations as the Boys' Club, developed in recent years, and helped by associations of clear-thinking, country-loving, business men, will not encourage nor condone wrong doing; but will

see that the imagination is not stifled nor the soul killed of the boys whose only playground is brick, and mortar, and asphalt paving. They direct athletics, encourage wholesome competition, educate mind and hand, teach discipline, and compel clean living and talking—and they are making men.

These clubs, and other agencies like them, for men and women and children, are society's outposts. When they are driven in, society falls back on you men and women of the probation department of our judicial system, still to save its children if you can. Yours is a noble profession. Probation is the greatest advance the nation's system of penology ever made. It can be ruined by false sentimentality and stupid administration. It can be made, and I believe is being made, the finest instrument of real justice and reform known to the law. Not every law-breaker is a criminal. If he is, most of us would wear that title.

The first offender often has qualities which, being developed by trained and discerning men and women, will cause him to follow the white road of duty if he has a chance. Even supposing his conscience is never aroused, his common sense may be. He may be made to realize the utter idiocy of crime in that it brings scant reward and almost inevitably leads to ruin.

Probation saves many a boy and man and woman for the country, and saves money at the same time. Probation is an economical device. In almost any city, I venture to say, a good, properly paid, probation staff, will save the taxpayers' money. I can't give statistics on the subject. I haven't time to prepare them. But we did prepare them when I was Chief Probation Officer of the Circuit and Municipal Courts of Detroit, for some months before my appointment to my present position, and they did show savings to state and city. That, however, is about as cheap a way to look at the matter as can be suggested. You can't put a money value on manhood.

We had few repeaters. I have been away for two years and haven't kept posted, but I imagine they have few repeaters now.

When any person convicted of law-breaking does not go to prison, and does not again break the law, but becomes a producing member of society, there is a double gain—the saving of his maintenance as a prisoner, and the benefit of his work as a free man.

You are very welcome here in Washington. I wish you all success, personal and official. I hope the country will realize how much good a well-running probation office can do. Most people know very little about it now. Tell them. Some communities are under-developed, just as some people are. They don't know better than to make hells of their prisons, and criminals of their under-privileged boys. Sell probation to the country if you can. You must do it. You owe it to those poor devils who are headed where, "but for the grace of God," you and I might be.

THE THIEF—A PLEA FOR UNDERSTANDING

CHARLES PLATT, PH. D., M. D.

Philadelphia

The thief is conventionally everywhere an outcast, he is despised and detested—we often even feel that he is something so different from ourselves as to be unworthy of any consideration. But are we warranted in this so superior an attitude? Is the difference between the thief and ourselves a difference of kind, or is it not possible that it is, after all, just a difference of degree—of opportunity, of accident, or of environment?

The answer to this question is important. If the thief is a monstrosity, a diseased mentality, something alien and impossible, then we had best lock him up at once and forget him. But if he is none of these things, if he is normal and natural, and entirely understandable, then it is possible too that he may be reclaimed, and, from being a drag on society, become a new value to it. Mr.

Charles L. Chute* tells of a Queens County (N. Y.) court having recently sentenced a 16 year old boy to "not less than 30 years" in prison—for stealing. This judge answered the question in the one way. Let us look at the possibilities of the other. Let us consider the thief.

We have two kinds of inheritance. The one goes back for hundreds of thousands of years, even for millions of years, and includes all those habits laid down through the long evolutionary process preceding the formation of society. The other is that which is limited to the societal experience itself, and dates, therefore, as it were, only from yesterday. The first of these inheritances is real, the real part of ourselves, providing us with impulses and motives and attitudes that cannot be ignored: but the second, the social inheritance, is something very different from this. The social inheritance is indeed something so recent that it can hardly be counted an inheritance at all. As a matter of fact, it would be quite safe to say that our social ideas are practically maintained by tradition alone. They are something we get from instruction, from our environment, and must, therefore, vary with each of us.

And note this further difference between these two forms of inheritance—the firmly fixed primitive habits of mind are egoistic; they have to do with our desires as individuals; while the later, the social ideas, are just the reverse, they are altruistic, they involve the sinking of self for the benefit of the group.

Here, then, are two inheritances, the first, primitive and egoistic and strong, a veritable part of ourselves; the second, a veneer, a superimposed something, recent, altruistic, and weak, maintained in each of us by instruction and environment only. What is the significance of this? Is it not evident that the people we have especially to deal with in delinquency are precisely those who are, for one reason or another, still in the egoistic stage? They have, as we all have, the strong old tendencies, but they have not those notions of social responsibility which are derived from present instruction.

*"Rational Crime Treatment," Review of Reviews—May 1923.

We talk of good and of bad. What is good? What is bad? Are these not social notions? Are they not dependent solely upon the experience of the group, and do they not differ, therefore, with different groups? When all is said, is not our good thing that which works for the benefit of our society, and is not the bad thing that which works against it? But, then, this being the case, what can people who are anti-social or unsocial in their inheritances and who have had nothing of our social training—what can they know of our good and bad? Their good and bad may be something very different from ours, something not social at all, in the modern sense, but primitive and pertaining to them as individuals only.

Stealing is bad. Why? Well, because we have built our whole social structure with property as its foundation. It is hardly possible to conceive of it otherwise. "The master organ, the soul's seat, the true Pineal gland of the Body Social, is the purse" or what the purse represents. It was so in the earliest societies we know of, and, as Carlyle says, it will probably continue to be so "until Doomsday—in the afternoon." In "Thou Shalt not Steal" is comprised the whole Hebrew Decalogue, with Solon's and Lycurgus's Constitutions, Justinian's Pandects, the Code Napoleon, and all Codes, Catechisms, Divinities, and Moralities whatsoever.

But what of the unsocial man, the man who has never been trained to society, the man whose impulses are still all primitive? Primitive man took what he wanted; taking was a virtue, it was something to be proud of—the ablest taker often became king. Nature says: "Be strong, strong both to take and to defend—or if you cannot be strong, then be cunning." This is the law of all nature and of all nature's children except modern man—and modern man has departed from it solely because of the requirements of his, modern, society.

Rousseau says that society began when someone had the genius to put up a fence and say that all within it was his own. This is true, only the fence was not visible—it was an idea. When a man

was strong enough to keep what he had killed for food, or to take from another what this other had killed, and when this strong man found this possession of his respected by the other—then began Property. The idea, note, was founded on force, on the possessor's strength, on his power of doing hurt to those who would deprive him. The man who was not strong had no property rights, he was the natural prey of the stronger—unless, of course, he could offset this other's strength by his own greater cunning.

The property sense, then, long antedates our organized society; both the owning and the taking are part of our earliest inheritances. What civilization did, when it came in, was to establish certain laws and conventions for the benefit of the weak. In order to make society possible, it was found necessary to replace force and cunning by social regulations—and stealing, henceforth, became wrong.

This idea of property protection was, of course, not born full-fledged—it was naturally of a slow development—but it had its origin in a social necessity, and it persisted until it became what we see. Force was first confronted by individual cunning, and then cunning became organized—taboos and superstitions aided the weak—until finally, cunning gave way to the tribal convention and to Law. The ancient Romans protected their land by erecting monuments to their God Terminus. These monuments marked the ends of their property—we still honor the god in our railway "terminals" of today. The Malay even now protects his fruit tree by hanging thereon a pot marked with a white cross—to steal from this tree will make one a leper. Or a pig's jaw is equally efficacious—the man who steals from a tree so protected will shortly be killed by a wild boar. I may add, in passing, that it is quite possible that our present idea of the wrongness of stealing goes back for its origin to a sense of the danger incurred in defying these old superstitions.

Today we deplore theft. It is immoral. It fills us with indignation. But I wonder how deep is this feeling. Has the social regulation already become so strong as to make the primitive "taking" unthinkable? We know certainly that it has not with some, but how about the rest of us? Is the thief truly a moral outcast, utterly different from ourselves; or does not the old primitive reac-

tion still persist very generally? May it not even be that our horror of theft is really nothing more than a horror of being robbed? Is not our loud acclaim of the social regulation derived really from the fear of ourselves becoming victims? We do not, for instance, object especially to the boy who robs an orchard—we probably have no orchard. But the boy who steals a purse? Ah! That is different! Time, place and circumstance easily alter our attitude. Says Charles Dickens, in *Nicholas Nickleby*, "A thief in fustian is a vulgar character, scarcely to be thought of by people of refinement; but dress him in green velvet, with a high crowned hat, and change the scene of his operations from a thickly-peopled city to a mountain road, and you shall find in him the very soul of poetry and adventure."

Have you ever heard of anyone, someone counting himself quite normal and decent, riding on a trolley-car without paying a fare—or on a train without giving up his ticket, the ticket not having been deliberately asked for? This is theft. Does it sound trivial? The traction companies, for their part, have had to spend millions of dollars in their efforts to prevent it. Do borrowed books always get back to their owners? Do not people, people who believe themselves honest, sometimes fail to call attention to errors in bills—when the error is to their advantage? Do not leading citizens smuggle in fur coats, and do they always make their full tax returns? Do they always tell the whole truth when selling a house or a car? Do they call up the gas company when the meter is not registering properly? They do if it is registering against them. And profiteering, and dishonest manufacture—is it not theft to take money for some misrepresented article, for some miserable sham of an article?

And are the people who do these things ashamed of them? The worst of a crime, it is said, is in getting found out, but in this small thieving there is small shame too. People even boast of these exploits of theirs. They do not want the gas company to know, or the railroad, or the store, but they do tell their friends, and even gloat over their smartness. Remember this when you feel inclined to wonder at the lack of shame in some youthful prisoner. It is said that every man has his price—this is cynical enough—but, after all, is it even a question of price? Is it not only too often just a ques-

tion of opportunity? A passenger in a crowded street car may make himself a thief for the price of a car fare. If it is a question of price, the price for many is certainly very low.

Look at it another way. Individual tendencies pass over into the group, and become group tendencies. Furthermore, tendencies which are wrong for the individual may be right for the group, and may thus reveal what the individual would do if he dared. What do we find among nations today? Does not the strong nation take from the weaker? Even now the only protection of the weak nation is to be found in its not happening to possess anything that the strong nations want. England has helped herself the world over, and we, in a smaller field, have done the same. We sometimes hypocritically pride ourselves on being different from others, but the things we have not taken we had no use for. Texas, and California, and Porto Rico, and the Canal Zone, and Hawaii, and Guam, however, have all somehow passed into our hands. Or look at our methods with the Indians. We have made many treaties with the Indians, promising them certain lands—not then wanted by us—to be theirs forever; and then, the time coming when we did want these lands, have we ever failed to take them? The thief who robs under the cover of protecting or aiding his victim is always especially condemned, but this is the rule with nations. Let a weak nation be discovered to have some valuable possession,—oil, for example—and see, today, how eager the strong nations are to protect it. They will even fight for the privilege. Nature says, be strong, or be cunning—nations operate on this selfsame principle; to survive they must be strong, in arms or their equivalent, or they must be cunning, in their refinements of diplomacy.

This property sense is thus no simple affair, it is complicated. The best social ideal is for one thing, but underlying this ideal, and combating it, there still operates the old primitive tendency to take what we want—if we can. And, furthermore, this tendency exists, not with a few, but with the many.

But let us return to the acknowledged delinquent, to the one who is socially so rated. I will assume him to be poor and to have had an unfavorable environment—we seldom come into contact with any

others; the criminal of the better class, if we may use such a term, does things on an elegant scale which insures him a special attention and courtesy. The poor boy is born with the same strong primitive tendencies we all have, and he may have too some vague social patterns, but the former are ready to use, and are compelling, while the latter are not, they need cultivation. Now this boy is born into a life where nothing is easy; all about him is struggle, a struggle for a job, for a roof, for clothes, and for food. Is this the place, think you, where he will be carefully instructed in altruistic property ideas? Is it not rather a place where all the old egoistic tendencies will become emphasized? Can we altogether blame this boy, then, if he adopts nature's rule, and, not being strong, becomes cunning?

We forgive departures from the normal in times of crisis, but, in many respects, every day is a crisis for the poor. "It is as easy for most of us to keep from stealing our dinners," says Jane Addams, "as it is for us to digest them." As a matter of fact, it is often far easier. But this is because we have never been hungry. Let us suppose, on the other hand, a state of chronic hunger, a hunger not for food only, and let the needed things seemingly be obtainable only by theft—how then? And yet, by the irony of convention, the boy who steals what he really needs goes to the reformatory, while another, some roistering student for instance, who steals what he does not need, goes scot-free.

Is the thief necessarily *morally* bad? A man who does his best, or who even thinks he does his best, is not morally bad—and yet a man may do his best and still do badly. A really bad environment is a terrible handicap. A fish out of water may do his best, but what does it amount to? I suspect that if the fish on the dock had the power, he too would become a criminal.

Our moral concepts, I have claimed, are social concepts, and these, we know, are transmitted chiefly by tradition, by instruction and environment. Consider the child in this connection. The child lives a long life of dependency during every moment of which it is absorbing ideas from its surroundings, and building these into character. The environment for the child is a formative thing—in the

absence of special, dominant traits, it *makes* him. It is not as with the grown man. The grown man takes from the environment selectively; he takes from it that which corresponds to what he already has. But with the child there is little such selection—he takes what presents. Suppose, then, that the child gets no lessons in social adaptation, suppose that all this is left to chance; and suppose that he does get many contrary suggestions—what likelihood is there that he shall grow up filled with social graces? He does not have to be abnormal to become a social outcast. He may live a life in complete correspondence with all the instruction that comes his way, and still find himself ultimately at the bar of the court.

Am I arguing then for the forgiving of the delinquent, for the setting of him free to prey on society? Not at all—though such is the ordinary superficial criticism of the probation movement. But we know better. We know that we must always distinguish between worth and unworth, but we know, too that the mere fact of having broken the law does not necessarily constitute unworth. Jumping to such a conclusion may result in great social loss. No, I am arguing for understanding—and for its concomitant justice. Punishment may indeed be necessary, but, if it must come, let it be a wise punishment, not an unreasoning cruelty born of ignorance. Repression is popular, and seems easy, but, unless it be permanent, it will not do. It helps neither the repressed individual nor the society which represses him—he will “get out” someday and will be far worse than when he “went in.” Nor is punishment made more effective by making it severe—remember, the delinquent understands society no better than society now understands him. Like the radical, he is always expecting injustice. He does not understand the punishment either; it makes him bitter and vindictive. Fear is entirely inadequate as a check to wrong doing. Fear is transient emotion, and all that persists after this emotion wears off is a desire and determination for vengeance. How does it protect society to put a boy in some filthy jail, with all its physical and moral contagion? Is he any the sweeter when he emerges? Does he love society any the more?

Well, this problem is difficult indeed! But it is not impossible. I believe there is a way out—and I believe that this way lies in the

present endeavor for social welfare and probation. Let the problem first be understood, and then let philanthropy and law be guided by this understanding. If it is through the child we pass to the future let the emphasis be placed now on the child. The child has manifold inheritances and tendencies—he connects with all of the past—but these inheritances and tendencies are not all useful, some of them he must shed as he goes, and some he must cultivate. Let us not leave this so important a process to chance—especially as we know what in a bad environment the chance is. Let us give him a hand in his social adjustments—or if we do not give him a hand, let us, at least, not blame him if the adjustments he makes do not please us. His home, we will assume, is not fitted for his proper cultivation; the circumstances there are all against him. Let us give him other opportunities—on the playground, with the Boy Scouts, and in the neighborhood clubs. Let the schools take a hand. Let the schools come to realize that their best service, that their first duty, both to the individual and the state, is in morals, not in knowledge. Knowledge never yet made a crooked man straight. Let the schools make good to the boy, so far as they are able, the possible lack of his home. Let them give that instruction which is necessary for the control of the primitive inheritances, and let them develop those later inheritances we call social,—patriotism and civic pride, honesty, civility and reverence.

Finally, if the boy goes wrong, let us not condemn him at once. Let us take hold of him through our probation agencies, and help him. If he has built badly, let us help him to rebuild. The average youthful delinquent commits nothing more than misjudgments; he has got his values all wrong, and he commits, not sins, but errors. Let us help him to clear away these errors.

The day will come—let us work toward it—when our courts will be but so many dispensaries where the socially ill will be taken for a diagnosis of their troubles. Those seriously ill will be sent to the hospital, to the correctional institutions, to remain until cured; those not seriously ill will be returned to their homes under supervision. They will be given advice and care and guidance until such troubles as they may have are over.

This is no sentimentalism—it is a plea for justice. And it is not even a plea for tempering this justice with mercy. Justice tempered with mercy is good only when the justice is bad—a true justice can be departed from only with loss. But to get this true justice we need understanding, and it is for this I am pleading.

This is a plea, then, for understanding. To use the modern expression it is a plea for psychological understanding—though all understanding is psychological. Understanding is fundamental. It is not a tool, “it is a hand for the handling of tools.” It is useful above all things—and in probation it is essential. It is sufficient for the law-maker that he has a foresight of evil, but the probation worker must have an insight into character—a far more difficult proposition. The law-maker has only to prepare a system of checks based upon a knowledge of what people can think of in the way of doing wrong. His problem, moreover, is a theoretical one; it is based upon a conception of an average good, a good for the greater number, for the group. The probation worker, on the other hand, cannot rely upon theories; his problems are concrete and individual. The law says: “This boy has committed a theft; he is an enemy to society, and must be imprisoned.” How simple! But the probation worker says: “Wait a bit! Is he really an enemy to society?” And then he studies the boy and tries to understand him, knowing that if a mistake is here made and the boy is imprisoned unjustly, not only the boy, but society itself must suffer. It is no small crime to carelessly convert a potential social asset into a liability, and yet this is what our courts have often done.

I have spoken of “psychological understanding.” Is a course in psychology then necessary to all workers in probation? I believe not. I do not even believe that it would materially help. The open mind, the understanding mind is not so obtained—it is something one is born with. Psychological *technique* is another matter. This last is obtained only after hard application and long study. The accurate testing and rating of intelligence, for example, is a matter only for the specially trained. Professional psychologists, like professional psychiatrists, are highly desirable—they are most valuable adjuncts to probation work—but these professionals are not probation

officers, and, as a matter of fact, seldom could be. What the probation officer himself needs is something very different from this professional technique—it is understanding and sympathy he must rely on.

We may put it this way—a successful probation officer is already a good psychologist. This is why he is successful. And the same is true of all successful business men, doctors and lawyers, superintendents and foremen. Success in the world of men comes only from true psychological appreciations—and it comes in this way even when the successful man has never heard of the subject.

It is understanding we are after, a sympathetic appreciation of people, of motives, of influences, and of character, and this is a gift of the gods—it is a gift by no means to be obtained only in universities! No! But let us open our hearts and our minds—that is the way! Or, to keep from that sentimentalism so deplored by our critics, let us open just our minds—understanding will come even then!

The probation system operated without insight and wisdom is a menace to all social order—operated with these high attributes it is a blessing only. Let us see to it that we make it a blessing. This is a high endeavor but it is well worth all we can give. A human and constructive sympathy extended for the benefit of the unfortunate, a wise justice which shall aid society, not hamper it—this, I take it, is the purpose and hope, and even the expectation, of all who have studied this problem.

THE INDIVIDUALIZATION OF THE CRIMINAL AND ITS SIGNIFICANCE FOR HIS TREATMENT

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The history of crime and the treatment of the criminal is very significant for our present understanding of existing institutions. Crime has always been conduct which was calculated to be destruc-

tive to the social organization and which offended the customs, traditions, and the taboos of the group. When criminal acts were committed they produced on the part of the group an immediate antagonistic reaction,—vengeance—which was calculated to destroy the offender. This vengeance motive is, I believe, at the bottom of criminal prosecutions, and like all emotionally conditioned responses it primarily seeks expression as such, irrespective of anything else. In other words, when the vengeance motive of the group is stirred the group performs some act which satisfies this motive and releases the emotional tension, and that act may be, and in the early history of criminal procedure and practice was, an act which need have no connection with the perpetrator of the alleged crime. In other words, when the vengeance of the tribe was stirred someone was executed and it made no difference whether the person executed was the guilty party or not. The vengeance motive had worked itself out in the execution and was satisfied. This method of procedure, however, in the course of cultural development, came to be gradually replaced by one that more accurately connected the perpetrator of the offense with the exercise of the vengeance motive, and then by a process of further development, a special group grew up whose sole business was the seeking out and punishment of the criminal, and the alleged motive has developed so that it has become the protection of society on the one hand and the reformation of the criminal on the other.

The steps briefly sketched above took criminal procedure a long way from the original situation in the tribe when a member who had violated a taboo was simply beaten to death by his fellows, but there are still traces of this vengeance motive which impair the efficiency of the machine very seriously. The ease with which the whole situation drifts back to primitive conditions is seen when mob violence results in a lynching, oftentimes without any adequate proof that the person lynched is in fact guilty of the offence. Among many of the hill peoples of the South their feuds work out along these primitive lines. If a member of the Jones family shoots a member of the Smith family then it is for some member of the Smith family to shoot one of the Jones family without any

necessity for the person shot being the guilty person. The most serious residuum of the vengeance motive is seen in the fact that the whole method of criminal procedure is addressed against the crime,—that is, criminal law and criminal procedure are addressed against certain types of acts without considering at all the actor. Until the movement which has created juvenile courts and probation officers was started, there was practically never any consideration of the individual offender as such except in the relatively few instances where the plea of insanity raised the question of responsibility. The behavioristic psychologist, however, has come to know perfectly well that a particular type of act may be committed by all sorts of individuals and is the result of all sorts of situations, so that no understanding of the reason for a particular act can ever be had without an understanding of the individual who committed it, and not only that, but an understanding of that individual in the situation out of which the act grew. It is these studies of individuals that are now illuminating the whole field of criminology and indicating how further advances may be made that will be serviceable to society. The application of the vengeance motive, either in its crude or its more subtle forms, specifically as it expresses itself in the punishment of the offender, is coming to be pretty well recognized by the scientific student of human behavior to be a failure. Punishment and repressive measures *per se* and exclusively used, have never solved any problem of human behavior. They create the very antagonism and hate toward society which it should be the function of society to prevent or cure. The prison is an abnormal environment in which it is difficult to see how an individual can become rehabilitated so that he will adjust more efficiently to the environment outside.

Now what part does the probation officer play in this scheme of things? The probation officer's job is, as far as possible, on the one hand to prevent the individual from getting into prison, prison being conceived of as very much of an unmixed evil to be avoided, except in the most extreme cases, and on the other hand it is the probation officer's job to help the offender to re-socialize himself. It is very similar to the position of the psychiatric social worker in

work with the mentally ill, whose task is prophylactic — helping the individual to avoid the necessity of hospitalization, and after the patient has come out of the hospital helping him over the rough spots during his period of readjustment. Both the probation officer and the psychiatric social worker have come into their respective fields as a result of pressure from without, largely, rather than having been developed as a necessity from within, but this is only in harmony with progress of this sort, as it frequently occurs. The individuals that constitute any particular group are pretty well hide-bound by the opinions of that group and it requires someone from outside to see the possibilities of improvement. Your work, like that of many other groups now being called into existence by a common need, is based upon an understanding of the individual human being. It is to my mind an evidence of the most important happening in modern times. Man has evolved over a period of hundreds of thousands of years and it would seem, from a study of his evolutionary progress, that his body, at least, cannot be expected to change very much more, or, if it does, not with sufficient rapidity to have any effect upon existing situations. His mind, however, is capable apparently of great possibilities of readjustment and refinement of function, and it is my belief that cultural evolution depends upon this focusing of attention upon the nature and qualities and mechanisms of the human mind.

PSYCHIATRIC TREATMENT AND PROBATION

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It should be counted distinctly in favor of the idea of probation that none of the opposition which this movement has had to encounter, has ever come from the side of those who have been actively interested in the introduction of more understanding and of a more meliorative purpose into the processes of the criminal law. From the

very first, this movement was able to count among its staunchest supporters those members of the medical profession whose interest in problems of human behavior brought them into close contact with the problem of crime.

Indeed, many of us in the medical profession have looked upon the probation movement as the bridge over which some of the idealism and some of the scientific spirit of modern medicine and modern social service might be carried into the dark recesses of the traditional processes of the criminal law, for unlike these, the probation process does imply a clearly defined meliorative aim. We owe it in large measure to the philosophy of the probation movement and to the men and women who have been laboring in it, that the subjects of psychology and psychiatry are given a prominent place wherever workers in the field of criminology come together for serious deliberation over their common problems.

This is as it should be, since psychology is, in the last analysis, the only dependable key to the solution of the problems of personality and of human behavior. Criminology, notwithstanding the fact that the major pre-occupations in this field still reflect a kind of "impersonal" enterprise, is after all a discipline which has as its main objective the solution of an important problem in personality and human behavior. Here and there one meets with the necessary vision and opportunity for keeping this central objective in the foreground. Not only do law enforcement agencies reflect a growing willingness to humanize and socialize their processes, but more and more of the energies and budgets of these agencies are being devoted to preventive measures and to the kind of meliorative enterprises which have the reconstruction of the individual offender in view. These progressive tendencies must inevitably bring about a closer intimacy between the sciences of human life, particularly those devoted to the problems of thinking, feeling and acting and the field of criminology. Moreover, as the workers in the two fields are becoming better acquainted with one another a good deal of the original misunderstanding, and shall I say mistrust, which made proper contacts difficult and even impossible, is rapidly disappearing. There is no particular virtue in a rehearsal of the reasons for the various misunderstandings between

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the two camps, but the clearing of the atmosphere was made possible to no small extent through an ever increasing first-hand acquaintance on the part of workers in the field of criminology with the technique and principles of the sciences that deal with human behavior, and by these workers I mean particularly the probation workers. It is an encouraging sign of the times that the impetus for a reestimation of the philosophy and technique of criminal procedure is coming more and more from within, from the rank and file of the workers in this field.

Neither is it necessary to dwell here upon the real importance for criminology of this changing attitude on the part of its rank and file, reflecting as it does a growing realization that the central aim of their enterprise is "the reshaping and reconstruction of human lives".

From the point of view of the psychologist and the psychiatrist this changing attitude has a further significance. It enables us to rid ourselves of the necessity for diverting considerable thought and energy in the service of propaganda, thus making possible a more thorough-going scientific impartiality when we come together for the discussion of our common problems. If the sciences of human behavior have not as yet fairly established their claim to be of service in the field of criminology, this is certainly not the place for the necessary propaganda.

I am inclined to think that our time this evening might be devoted more profitably to a rock-bottom, open-minded discussion of the status of criminology, and of how the sciences that deal with human behavior might assist in an improvement of this status. In putting the matter in this fashion I am at once exposing myself to the criticism that I am assuming that the present-day situation of criminology needs improvement. In spite of the progressive spirit in criminology, there are those among its workers, not a few in number, who deny that a change is needed. Not a little of the suspiciousness and irritation already alluded to, a reaction ordinarily provoked in the ranks of established officialdom by reform movements of one sort or another, is based upon the comforting feeling which such people have come to entertain that all's well in this field. The annual gathering here and elsewhere of serious-minded workers in this field for the discussion of

a way out from the various dilemmas which beset society's endeavors to solve its problems of crime sufficiently refutes this comforting and narcotizing contention.

It is not necessary, therefore, for us to undertake to prove that all is not well in this field. What we are concerned with here is an attempt to discover and define the obstacles to progress which beset our tasks and to determine, if possible, to what extent these obstacles might be eliminated.

Since I have been asked to speak from the point of view of the physician I might be privileged to draw certain comparisons between the field of medicine and that of criminology. The history of medicine reflects numerous instances of struggle and conflict in its upward march which are not unlike those met with in the field we are discussing tonight. Aside from the obstacles to progress which arose from the various conflicting claims between different so-called "schools of medicine", ignorance, prejudice and special privilege, familiar enough ghosts in the field of criminology, had to be overcome before mankind's efforts to rid itself of the evil and misery of disease were crowned with some measure of success. Even today there still exists considerable opposition from certain quarters to such disease-preventing measures as vaccination and immunization. But somehow, one after another of these obstacles to progress is being eliminated and disease is being conquered to an ever-greater extent. "What principles of procedure are making possible the conquest of disease, and to what extent might similar principles be applied to the conquest of crime" is the first question we might put to ourselves. The immediate difficulty that confronts us here is of course that the problem of crime is not identical with the problem of disease. In the conquest of disease, one of the outstanding elements that made for success was man's desire for health and his natural tendency to avoid personal suffering. But it is also true that in the campaign against disease as a social menace, some of the most noteworthy achievements were made possible not because of the cooperation of the individual citizen, willing to make personal sacrifices for the common good, but in spite of his rebellion against the restrictions imposed upon him by the various regulations and police powers of

the health authorities. How many people suffering from communicable diseases would quarantine themselves of their own accord, and without external compulsion? From the point of view of public security the dissimilarities between the problems of disease and those of crime are not as great as would appear on the surface. We have placed the two side by side in our present discussion because the medical sciences are coming to play an increasing role in the field of criminology and a comparison is justified between the achievements of these sciences in their own field and the situation which confronts us in the field of criminology.

If I were asked to name some of the elements which have contributed to the relatively greater success of medicine, I would unhesitatingly put first of all "clarity of purpose". The medical sciences have never compromised with the principle that disease is an enemy of mankind and is to be eradicated. The energies of these sciences have been single-mindedly devoted to the discovery and eradication of this enemy. Medicine has refused to view its problems as something insoluble, and the evil of disease as the inevitable lot of mankind.

Having clearly defined its objectives, it is devoting its energies to the discovery and perfection of a technique for their attainment. Like any other human enterprise worth pursuing, medicine has endeavored to face and deal with realities, and one of these is that progress is not made possible through a mere lamenting over an unfortunate situation, or the mere wishing for a solution. For the achievement of anything worthwhile achieving there is needed a workable technique. Finally, medicine was assisted to a very large extent in its progress through the cultivation and maintenance of a well-organized and informed "public sentiment", in favor of the eradication of the enemies to health.

The conquest of disease, being to such a very large extent a conquest of certain inimical elements of man's physical environment, is free from those serious obstacles which one inevitably encounters in dealing with situations in which the element of "human nature", in its psychological and social implications, plays the central or important role. In the pursuit of the enemy to health man can afford to

be dispassionate and unbiased, an attitude which for very real reasons it seems to be so difficult to maintain in dealing with the criminal.

But clarity of purpose, a workable technique and the backing of an enlightened public opinion are indispensable conditions for progress in the field of medicine. It should be added, that aside from the natural tendency of man to boast of his successes and to conceal his failures, a tendency from which the medical man is only free to the extent that he has achieved an honestly scientific impartiality, the medical sciences have shown a noteworthy capacity to profit from their mistakes.

Now let us look for a moment at the situation in these respects in the field of criminology. Difficult as it may be for us to achieve the required degree of impartiality and freedom from bias, it is essential that we strive to approach the question with this attitude if we are to see it clearly.

First, as regards "clarity of purpose". It certainly would expose one to serious criticism, if not sheer ridicule, to express a doubt as to society's purpose in dealing with the problem of crime.

To the average citizen the matter is simple enough. What he expects of the law enforcement agencies is first of all, security to life and property. In his reflective moments, and particularly if such indulgence does not seriously conflict with his bread life or his love life, he is willing enough to concern himself with the ordinarily remote question of "absolute justice", if this question happens to be formally brought to his attention. But it is doubtful whether the average citizen would be willing to pay taxes in support of a machinery whose sole objective was the defense of the notion of "justice in human relationships". Witness the reaction with reference to the mere tentative approaches to this problem recently made by the Church, the inference plainly being that if the Church is going actually to busy itself with the question of "justice" beyond merely preaching it, it cannot have our support. But the average citizen does expect to see reflected in the machinery of the law a kind of practical interpretation of justice which would give him security of life and property.

But even if one were to accept this thoroughly selfish and simple

conception of society's "purpose" in dealing with the problem of crime, it still lacks the necessary degree of clarity that is indispensable for the successful pursuit of it.

In the first place, one stumbles against the disturbing element of "selectiveness" in society's dealing with the problem of crime. In a democracy such as ours with freedom of speech and a lusty public press, the evidence must be overwhelming to the average man, that society seems to devote its interest and energies to the combating of certain crimes only. At others, no less inimical to life and property than the burglar's jimmy, though perhaps not as direct in their effects, we seem to wink complacently, just so we are able to rationalize our attitude, and to find support for it in the doctrine of some higher authority. Moreover, even with reference to such crimes as are by common consent inimical to life and property, the pursuit of the enemy is not always expressive of a "community of purpose". Frequently enough, to carry out single-mindedly the attack on the enemy, is apt to prove disadvantageous to some one or another interested party, or organization, or individual in the body politic.

Take for instance, the publicly recognized and protected value of the traffic in narcotics. One cannot impute a "community of purpose" for the eradication of the disease, misery and crime, for which narcotics are responsible, to a civilization that reports in its official documents the annual gains from the traffic in these health and life destroying drugs.

In many other respects our civilization reflects purposes and values which must make it clear that back of our huge and costly machinery of the law there is no "clarity of purpose", certainly the agencies of this machinery do not have the backing of a kind of public sentiment that reflects a "community of purpose". The public that is primarily interested in the solution of the problem of crime is comprised of the individuals who are actually engaged in the task of combating crime, of those who are the victims of the depredations of the criminal, and of the criminal elements themselves. If the progress of medicine depended on a similarly restricted interest, its difficulties would be just as insurmountable as some of the difficulties in the field of

criminology are said to be. On the contrary, it is possible to mobilize a unified public opinion back of a public-health program.

Another significant difference in the two fields of human endeavor relates to the question of technique. To state this situation boldly, it is necessary to keep in mind that the idea that workers in the field of criminology ought to be trained for their task is of relatively recent origin, and not at all generally accepted even today. The fact that the police officer is given a course of training for his duties, that prosecutors and judges are ordinarily well-trained lawyers and that prison guards should know, among other things, how to handle a weapon, does not alter the situation. Aside from the fact that insofar as these public functionaries do contribute to the solution of the problem of crime, their successes depend more upon their personal endowments than upon the formal training for their respective duties, the tasks of these officials are only of incidental importance for the solution of the problem of crime. No one who has attempted to assist an offender to a personal rehabilitation will for a moment entertain the notion that crime detection and the administration of justice, though absolutely indispensable for making life possible in a community, have anything necessarily to do with the real task of solving the problem of crime. It is precisely our tendency to see in the orderly pursuit of the processes of the law, something which is expressive of a consciously evolved technique for the eradication of the evil of crime that retards progress in our field. In no other field of human endeavor is there reflected such a thorough lack of coordination between various individual processes presumably devoted to a common end, as in the field of criminology. It is inevitable with conditions as they are, that each of these processes gradually assumes a degree of independence, with justifications of its own for its independent existence, so that in time the thing that was merely a means to an end becomes an end in itself. Thus crime detection, administration of justice, prison management, etc., etc., come to acquire individual conceptions of their particular tasks irrespective of the role each separate task might play in the general scheme for managing the problem of crime.

I am not particularly concerned here with the purpose of justify-

ing the condemnatory attitude reflected in the above remarks, but this I believe to be true, that the sole hope for criminology lies in those of its processes which are still in the formative period, and have not as yet become structuralized into systems which, because of their established status, have to be defended at all costs. Among these formative processes is this process of probation; also the really noteworthy experiments in courts for adults which have received their impetus from the ideas back of the modern juvenile court. Less and less do these newer enterprises concern themselves with the backward-looking purpose of justifying traditional ways of doing things, and their energies are increasingly devoted to the testing of a less formalized procedure.

What does this lessening faith in the traditional ways of dealing with the problem of crime mean? It means first of all, a genuine willingness to acknowledge that there is something still to be learned about the manner of dealing with the offender. It opens the way for experiment, bringing criminology more in line with the characteristics of scientific procedure. Moreover, it carries with it a possibility for defining the real purpose of criminology, not as the enterprise for satisfying certain demands of criminal procedure, but for the solution of the problem of crime.

It is difficult to define clearly the forces that are maintaining this progressive spirit in criminology, but one of these forces undoubtedly is the ever greater injection into this field of the notion and spirit of "social service". In spite of the ineradicable tendency of man to react almost instinctively with hatred and vengeance to the one who wronged him, "social service" as a principle in criminology is more and more able to interpose between the wrongdoer and the anger of the aggrieved, the constructive purpose of curing the offender of the evil tendency to crime, in place of the wholly destructive and futile end of satisfying someone's desire for vengeance.

It will be said that a similar purpose actuates the established machinery for the administration of the criminal law. But if this is so, the manner of its expression of this purpose has not made for success in the past. The criminal problem is not kept alive by the occasional offense of a first offender, but by an ever increasing element

in our population who seem to have accepted criminal behavior as a life career. It is these individuals, many of whom have had repeated contact with the established machinery of the law, who attest to the utter failure of these processes to affect fundamentally the problem of crime.

Is this failure inevitable, and if so, what are the reasons that make for this inevitableness?

The answer to these questions is as yet not at hand. Certainly it is not in the actual field of criminology as traditionally defined that the facts are to be sought which might render an answer to these questions possible. How can we find the answer there when we experience such great difficulty in discovering in the record of society's past manner of dealing with the problem of crime any indication of a clear and sustained purpose to solve this problem? The way we have dealt with the dilemma of explaining away our failures in the past was to endow the offender with certain ineradicable and vicious qualities of personality which quite accounted for his failure to be reformed by our efforts.

At the same time, practically all our energies, and conscious or unconscious purposes in the management of the problem, were steeped in a destructive and un-Christian vindictiveness, and reflected almost solely the childishly idealized objective of vindicating the processes of the law.

Then came the probation movement in criminology. Here at last was a process of the criminal law whose performance could be subjected to a careful accounting, and whose efficiency could be tested by its effects in influencing the behavior of the offender against the law.

It had neither the desire nor the opportunity, had it chosen to do so, to imitate the sham and empty pretensions of the traditional processes of the criminal law, since its aims were clearly constructive and forward-looking in nature, and it was not required to waste either time or energy in the futile effort of settling a score, or in the vindication of the abstract principles of an impersonal system of law.

Particularly promising were its possibilities in the field of juvenile delinquency. Here, at last, was a chance to introduce into the machinery which society had created for the safeguarding of itself

against the dangers of its wrong-doing children, the meliorative process of understanding and treatment in place of mere hitting back. Our hopes were based, in part at least, upon the growing conviction gained from the study of the life-careers of adult offenders, that the purely repressive methods used in the early management of these individuals, evidently failed to produce the desired results, and that in some instances there was sufficient evidence to justify the belief that these methods served to intensify the tendency to misconduct.

With the advent of the principle of probation, the criminal process, at least in so far as it affected the children, was to be conceived of as an instrument for bringing about a better relationship between the erring child and its environment through a careful study of the causes for its misconduct and through the provision of the necessary means for dealing with these causes. I am speaking from the point of view of the physician, although in my own case the best part of almost fourteen years has been devoted to medical issues in the field of criminology. To the physician, the philosophy and objectives of the process of probation appear altogether logical and practicable.

A man is arrested for the commission of a crime. Very well. Here is a bit of pernicious human behavior which demands our deliberate attention for the safeguarding of life and property.

We have learned from sad experience of the past that the surest way for any community to gain security of life and property is through attention to the health of body and mind in the broadest sense of this term, of its citizenry. Our first question, therefore, in this new order of things, will be "what is the matter with this man who has thus violated the rules of the game?" The moment we inject this query into the problem in place of the traditional question, "What is the precise law that he has violated and what the penalty thereof?" we have taken the first step in scientific procedure. We are approaching the problem of this erring individual in an unbiased fashion; we aim to be objective and free from prejudice and emotional preferences. We will get the facts, weigh them carefully and on the basis of these findings will institute the necessary measures for the correction of the individual and for the safeguarding of the community.

For is not this the very essence of the probation process rightly

conceived? We will study our offender from the point of view of his hereditary background, his physical make-up, the organization of his energies, the intellectual equipment at his disposal in the service of adaptation to the demands of life. We will endeavor to discover what modification in his innate equipment has been brought about by deliberate training and education, good or bad, and by the various life-experiences with which he has come in contact. We will endeavor, furthermore, to discover what purposes our man has cultivated, and what means he has come to find attractive for the pursuit of his ends. Is he perhaps burdened by handicaps of a physical or mental or moral nature, and are these handicaps permanent or remediable? We will honestly search for whatever assets he may have which might be utilized in the correction of his conduct.

We will say to him, "Look here, old man, we cannot tolerate this kind of conduct on your part. We are not interested primarily in the salvation of your soul, but your conduct here and now is a menace to the rest of us. Let us get together and find out what makes you act in this manner."

Now this type of procedure may not always answer our query of "what is the matter with this man?" but it has the great merit of making it possible for us to do an honest job as probation workers in connection with the problem of crime.

Moreover, this in a general way is the procedure that the physician must rely upon if he aims for success in dealing with problems in human behavior. I am not speaking here of a psychiatric procedure which is limited to a determination of whether a man is defective or insane, or to what degree he may be responsible for a criminal act. These issues are relatively infrequent in the practice of the psychiatrist, who is devoting himself to the more general problems of human maladjustment and misconduct. I am referring to the minimum, indispensable procedure in any attempt to understand thoroughly another human being, and assuredly we should not plan and execute in dealing with the offender without an honest attempt to understand him. This is the first step in the process of probation, if I understand the process correctly, and it is precisely upon this purpose,

"To understand the offender" before administering his problem, that our great faith in the process of probation rests.

With this kind of conception of the nature of probation it was not strange that its advent into the field of criminology should have raised high hopes of a new deal and a more promising solution. Certainly where it concerned children this new principle of procedure brought the first ray of hope into the field of criminology.

For the sake of the children we shall permit none of the old discouraging and sometimes vicious compromises which contributed so much to the failure of the old order. We shall avoid as far as possible the heavy hand of blind force and will endeavor to wean these youngsters from a path of evil through sympathetic understanding and guidance.

Now what has been said thus far should logically lead up to an attempt to estimate as far as it is possible to do so, what probation as a social process has actually accomplished. Was all this but a beautiful dream, or have our hopes really been justified by the event? It is still very difficult, indeed quite impossible, to give a decisive answer to this question. Most regrettable is the fact, that as far as my knowledge goes, at any rate, there is nowhere at work a dependable system of accounting which eventually might give a reliable answer to the above question. When I turn to current reports of probation departments, I am more apt to be confronted by columns of figures than by any deliberate attempts to estimate the process of probation as an influence in shaping human attitudes and human behavior. And I know that many a probation officer could tell a tale of human regeneration to which he contributed a good deal as a probation officer. Some years ago I expressed myself to the effect that probation offered more toward the reconstruction of the offender than any other process of the criminal law, and I still see no reason for changing the opinion then expressed. But in common with other friends of probation I am deeply concerned over the fact that this process is becoming increasingly identified with the older traditional processes of the criminal law, instead as we had hoped, cultivating a trend which is distinctly in the opposite direction. As friends of probation we are distressed over what seems to us to be a wholly

unpardonable series of compromises which must eventually lead to a mechanization of the process of a kind with which we are familiar in everything that is objectionable in the machinery of the criminal law.

Take for instance the fiction of "first offender" as a determinant of who should and who should not be placed on probation. Is it any wonder that when subjected to this type of conditions of work probation should furnish ammunition to the camp of its enemies? Or take the more obvious stumbling-blocks to successful performance which are involved in the necessity for the average probation officer to look after three or more times as many people as any giant of a man could possibly care for adequately. These conditions are bound to give a black eye to the process which theoretically fully justifies our faith in it.

There are many more subtle elements at work in probation which account for much of the failure that is attributed to this process and for which neither the process nor the many earnest men and women who are devoting their lives to this can in any way be held responsible. The status of the probation officer in the machinery of the criminal law is often such as to preclude the possibility of a kind of self-assertion which is the only thing that might prevent the entire nullification of probation as an instrument of reconstruction. To those of us who are eager for the success of probation it seems imperative that a halt should be called to the compromises to which the process is being forced to submit. If this is impossible under the auspices of the criminal law, some other auspices will surely have to be found where the process of probation will have a fairer chance of functioning. So important is this question of "fair opportunity for work", that it can well be made the central topic of discussion of probation congresses for some time to come. In the related field of psychiatry as applied to the criminal problem the importance of this had to be recognized if this instrument for the understanding and guidance of human nature were to be saved from deteriorating into a mere formula.

The experienced psychiatrist who is working with the criminal process realizes how important it is for the success of his performance to keep himself free from the odium with which the criminal usually

views those associated with the machinery of the law. Unless the psychiatrist achieves a rapport with the offender whom he is studying, of a kind which he endeavors to achieve with the patient who comes to him voluntarily for help, his task will be unnecessarily difficult and more often than not, entirely futile.

The same applies to the task of the probation officer, only perhaps in an exaggerated degree because he is not able to bring into his job the very helpful status of the physician. Under the conditions of work ordinarily imposed upon him, it is inconceivable how he can maintain this kind of rapport with any of his charges. Moreover, an honest psychiatric job in connection with a maladjusted individual, a job which does not stop with mere classification but which aims at the reconstruction of the individual, takes a lot of time and effort and is an expensive procedure. The same thing is true in a large measure of the task of probation, rightly conceived, and the sooner we recognize this the greater our success is apt to be in this field. This is certain—that under the most favorable conditions of work the job of probation is not apt to be nearly as expensive as are the many enterprises of a purely impersonal character which clog the machinery of the criminal law.

All of this implies essentially a lifting of probation work into a professional status of a kind which will gain and hold the respect of the community and will attract to its ranks the kind of men and women into whose hands we could safely entrust the important task of reconstructing a human being. It is only then that a proper kind of utilization of the fairly well organized and dependable technique for the understanding and direction of human nature which psychiatry has to offer will be possible in the field of criminology.

What, in brief, does this technique consist of? In the first place, and perhaps most important of all, is of course the thing which we recognize as the psychological and psychiatric attitude towards a problem. It is not ordinarily difficult for the physician and social worker to acquire this attitude. The very contact with a problem in human behavior by the physician or social worker already implies an intent of understanding and service. Such difficulty as they may have in keeping themselves free alike from the "holier-than-thou"

attitude or a moralizing self-indulgence, or a search for an original sin of one pattern or another as an explanation of the trouble, is apt to be a difficulty of inexperience rather than one of wrong intent. More extensive intimate contact with the problems of life, and the greater self-knowledge which this ordinarily brings to the healthy-minded worker are bound to remove one after another of the obstacles to the cultivation of a proper attitude for understanding and service which are unfortunately inherent in human nature, just so the worker is able to keep clearly before his mind the central purpose of his performance. Without the necessity of accepting wholly the principle of a thorough-going determinism in human behavior, the worker in this field must certainly cultivate as part of a healthy attitude, the scientific conviction that nothing in human behavior happens quite fortuitously and out of a clear sky; that the only way in which one can discover and evaluate causes is to approach a question free from preconceptions. One will then find that commonly there is operative in the behavior of the delinquent a multiplicity of causes. It is necessary to stress this point because of the plaint one encounters so frequently among representatives of law-enforcement agencies that psychology and psychiatry fail to explain the entire situation or to solve forthwith an existing problem.

Aside from the fact that these sciences have never claimed an omniscience or omnipotence in these matters, everyone acquainted with these subjects appreciates their present limitations. But this is true of them, that more so than any other approach to the problem of delinquency, they aim to base their conclusions upon an evaluation of all the factors in the case, biological, psychological, social, economic and pathological. The instances are relatively rare where the entire explanation for a criminal act is to be found in clinical issues. Here and there one encounters an offender whose criminal act is based solely upon an impulse or deliberation of a diseased mind. In the great majority of instances, even where a significant element of abnormality enters into the situation, as for instance, in the case of the defective-delinquent, numerous other factors of non-clinical nature combine to produce the criminal act. Another element which enters into defining the proper attitude on the part of the physician and

social worker relates to the more general problems of mental abnormality and disease.

There was a time, and the situation is reflected in some quarters even today, when the contributions of psychology and psychiatry to criminology were conceived to be limited to the task of defining whether a given delinquent was feeble-minded or insane. The object in calling in the services of the psychiatrist was to settle the question of accountability or responsibility.

Now, in actual practice, in connection with the field of delinquency or any other sphere of human endeavor, psychiatry has come to define its task to be that of understanding and treatment of human behavior. The issues of disease or defectiveness are only some of the issues met with in a psychological and psychiatric approach. Moreover, as soon as such issues become established in connection with a problem of delinquency, they become problems in medicine and should be dealt with mainly, if not exclusively from a medical standpoint.

Thus, while one source of difficulty in cultivating a proper attitude in this field lies in the traditional conception of the purpose of the criminal process, another, equally serious obstacle, is furnished by a too narrow conception of the aims and scope of psychiatry.

It is in line with the object of this paper to restate these aims and the true scope of psychiatry, and we can do this no better than to see what kinds of facts psychiatry deals with.

In the first place there are those elements of human nature to be taken cognizance of in the psychiatric dealing with a delinquent which relate to man's inherited dispositions to action and behavior which reflect the history of his descent. These innate dispositions which are expressive of man's "biologic destiny" to self-preservation and race perpetuation must not only be taken account of as factors which shape human nature, but the laws to which they are subject must be discovered and paid attention to.

One important law in this connection is the law that in the enterprise of guiding and shaping human nature for a more socialized performance, nothing in this native equipment can quite be eradicated. What is possible is a redistribution and redirection of the energy and interest that are bound up with these innate tendencies. It is the

violation of this natural law which renders futile those of society's efforts in educational and correctional procedure which have as a purpose the "eradication" of the badness, the driving out of the "devil" from human nature. It is only the kind of devils that can be born and bred in the soul of man that seem to be messing up things in human society. A much greater promise of success lies in the direction of a redistribution of energy and interest, when even a thoroughly bad and "devilish" youngster may turn out to be a good and respected citizen. The change does not come through driving the devil out, but is the result of a harnessing of the devilish energies to good purposes.

The next subject with which psychiatry concerns itself is "the acquired or learned equipment of man."

The human machine is not only equipped to act and adapt itself to conditions of life automatically or reflexly, as for instance when we wink the eye to avoid an intruding object, or unthinkingly perform the countless automatic acts of our daily behavior. To a much greater degree than is the case of other living beings, man can both inhibit or postpone action, is conscious of his ability to recall and anticipate troubles, to profit by experience and to avoid difficulties by some kind of purposeful action. But much of this ability which renders man as one author has put it, a time-binder as well as space-binder, depends upon his capacity to learn and profit from experience. How important this ability is can readily be seen when we keep in mind what happens to the individual who through some disease or injury to the brain before or at birth is deprived of this capacity to learn. The low-grade idiot can not even learn the simplest processes that are necessary for the nourishing of the body. He cannot learn to take the breast, he cannot learn to distinguish between objects which are and those which are not suitable for ingestion, and if left to himself would come to grief in a number of ways which the normally endowed child soon learns to avoid.

But it is not commonly recognized to what extent and in what a variety of ways man's instinctive disposition determines the kind of experiences he is likely to expose himself to, and this indirectly, at least, determines the nature of his acquired equipment.

The individual in whose native organization there has taken place

an undue accentuation or underdevelopment of a certain trend is apt to be disposed because of this either to shun or to especially seek out certain life experiences, and thus his acquired equipment is apt to be shaped in accordance with these innate dispositions. Without such a conception, it would be difficult to account for the real differences in the traits and life pursuits between races and peoples, as well as between certain pathologically disposed individuals, like the true epileptic, for instance, and the normal human being.

Psychiatry next concerns itself with those circumstances of life which are common to all individuals and which must be estimated at their true value if one is to understand a particular individual under consideration. Every member of the human race goes through a period of helplessness and dependency upon the adults who surround him, from which he must ultimately gain a more or less thorough emancipation if he is to carry out adequately and happily his biologic and individual destinies. Many of the maladjustments met with in life are due to a greater or less degree of persistence in adults of this infantile dependence. Every individual at some time or other has to face the question of "self-esteem" and that of the esteem which his fellows have of him. There is no individual, unless it be those who because of disease of personality have withdrawn all interest in reality, who is not engaged to a greater or less degree with this problem of self-esteem.

Here again one of the most common manifestations in human maladjustment is either a tendency to an undue self-abasement or the reverse picture of a drive towards an undue maximization of the self. Every member of the human race, unless he be pathologically constituted, busies himself more or less throughout his adult life at least, with the problem of mating. I need not go into the details at this point concerning the role which this problem plays in human maladjustment. These are some of the common circumstances of life with which psychiatry has to concern itself.

The attention of the psychiatrist is also claimed by those critical epochs in the development of the individual which commonly call for unusual adaptive capacity. It is interesting and important to know what facilities mankind has developed for meeting these life

emergencies. There are the acute periods of puberty and adolescence, of aging and decline, of the deep sorrows and bereavements which are the inevitable lot of every human being, apart from those individual experiences in the nature of physical or mental insults which demand unusual capacity for adaptation.

Then psychiatry studies the failures of adjustment. It aims to discover how and why certain people fail in the process of human adaptation. It endeavors to determine the place of heredity, injury, infection, exhaustion and fatigue of a more chronic nature, emotional insults, bad habits and deleterious life experiences in man's failure properly to adjust himself to the demands of life.

Finally, psychiatry is concerned with the technique of human readjustment and with those positive principles of a hygiene of the mind that might be utilized as preventives of failures in human adaptation and as means towards a more effective conscious control of the human machine.

It is not necessary to define more specifically what aid to criminology might be derived from the application to it of a science which has the interests and objectives just stated as its reason for existence. If psychiatry is not making itself more effective in connection with the problem of crime it is due both to limited opportunity and imperfect technique. But it knows its objectives, and it is up to those who believe in the introduction of a "social service" point of view into the field of delinquency to see to it that this point of view embraces the aims and technique of psychiatry.

ORGANIZING A STATE PROBATION ASSOCIATION

WILLIAM MUELLER

Chief Probation Officer, Supreme Court, Baltimore

Some time last year an article was published in the *Probation Bulletin*, written by Mr. Chute, in which he suggested the establishment of state and local probation associations throughout the United States. Following out this suggestion, I took the matter up with some of the probation officers in Maryland, who thought it inadvisable to attempt to organize an association of this kind because there were so few probation officers in the state.

Notwithstanding this lack of enthusiasm on the part of the other officers, I took the matter in hand and with the idea in view that persons other than probation officers should be interested in probation and the prevention of crime, I sent out several hundred letters to judges, court officials, social workers, lawyers, ministers, superintendents of institutions, police department heads, psychiatrists, etc., requesting them to meet me in the Court House for the purpose of organizing a State Probation Association.

Over one hundred persons attended the first meeting, and, after explaining my plans, I turned the meeting over to the Hon. James P. Gorter, Chief Judge of the Supreme Bench of Baltimore. Judge Gorter presided and also made the opening address. He spoke at length upon the cooperation of the various welfare agencies with the courts and the probation departments.

Judge Heuisler also addressed the meeting dealing with probation and the human side of the administration of the law.

A committee on constitution and by-laws was appointed, and the meeting was adjourned, subject to call.

At the second meeting which was held in January, 1923, the constitution and by-laws were adopted. The preamble reads as follows:

"In order to promote cooperation between the various agencies and individuals having contact with the probation departments of the courts of the State of Maryland; to promulgate advanced and active principles in an effort to eliminate the cause of crime; to establish a more rational procedure and to maintain closer personal relations with the offender, we, whose names are hereunto affixed, have agreed to form an association to be known as the Maryland Probation Association, and for its better government we hereby establish the following constitution."

That same night the officers were elected, Judge Gorter being elected President and Judge Heusler, First Vice-President.

At the following meeting, eleven standing committees were appointed:

Executive Committee,
Committee on Adult Probation,
Committee on Juvenile Probation,
Committee on Big Brother Work,
Committee on Big Sister Work,
Committee on Juvenile Agencies,
Committee on Pardon and Parole,
Committee on Penal Institutions,
Committee on Psychiatry,
Committee on Police and Police Courts,
Committee on Welfare Agencies.

There are one hundred and seventy-five members on these Committees

The duties of the various committees are as follows:

Primarily it is the business of the several committees to stimulate the activity of the work of the Association, to encourage a vigorous, wide-awake forward movement toward the promotion of good citizenship, and the diffusion of the underlying principles of good conduct.

Each committee shall seek to arouse public interest in its specific branch of the work.

Each committee shall be given the privilege to invite speakers upon subjects pertaining to its line of work, and whenever doing so, the general meetings of the Association may be turned over to such committee.

The Committee on Adult Probation shall promote the improvement of the present system of adult probation, and endeavor to encourage preliminary investigations before the offender is placed on probation.

The Committee on Juvenile Probation shall promote the improvement of the present system of juvenile probation, and endeavor to encourage preliminary investigations before the offender is placed on probation.

The Committee on Big Brother Work shall promote the Big Brother movement and encourage the growth of the movement.

The Committee on Big Sister Work shall establish a Big Sister League and encourage the promotion of the movement.

The Committee on Juvenile Agencies shall promote public interest in "training schools," "homes," "asylums," "placing-out agencies" and "child welfare agencies," and encourage their betterment.

The Committee on Pardon and Parole shall promote the granting of pardons and the paroling of prisoners in worthy cases, and enlighten the public mind as to the value of the system.

The Committee on Penal Institutions shall promote the improvement of prison conditions, the education of the prisoner in the principles of good conduct, and the preparation of the inmate for the good of society upon his discharge.

The Committee on Psychiatry shall promote the examination of offenders to ascertain the biological and social handicaps that caused them to violate the complex rules of society.

The Committee on Police and Police Courts shall promote whole-hearted cooperation between the police department and police courts and agencies having contact with them.

The Committee on Welfare Agencies shall encourage the relief of families and other dependents of prisoners who have been reduced to want because their bread-winners have been taken from them.

In summing up, it shall be the duty of all the committees to keep the Association alive in its work of restoring erring subjects of the state to good citizenship.

The Association meets monthly in the Criminal Court Room of the Court House. The membership dues are one dollar a year. The active membership at present is over two hundred, including the Governor of Maryland, judges, lawyers, probation officers, social workers, court officers, bankers, attendance officers, preachers, church workers, wardens, superintendents of institutions and laymen from all walks of life.

At the third meeting, Col. Claude B. Sweezey, Warden of the Maryland Penitentiary and House of Correction, gave an interesting and instructive address on "The Advantages of Parole to Prison Administration and Crime Prevention." An informal discussion by the members of the Association followed.

At the fourth meeting Dr. Esther L. Richards, Associate in Psychiatry of Johns Hopkins Hospital, spoke on "Child Delinquency and the Value of Social History." A general discussion followed.

In lieu of the fifth regular meeting there was a joint gathering of the members of the Social Service Club and the Maryland Probation Association at the Hotel Caswell, and Miss Fannie French Morse, Superintendent of the National Training School for Girls, of Washington, D. C., delivered an address on "The Problem Girl."

The Maryland Probation Association is endeavoring to promote widespread interest in all subjects tending toward the reform of criminal procedure and prison administration.

DISCUSSION

CHARLES L. CHUTE,

General Secretary, National Probation Association

State associations of probation officers were formed independently before the National Probation Association became active, in six states, namely, New Jersey, Massachusetts, Connecticut, Illinois, Indiana and California, and more recently in three additional states, Pennsylvania, Arkansas and Kansas. Assisted by the National Association within the past year, associations have been started in Tennessee, Minnesota and Maryland, and a beginning has been made in Kentucky, Ohio and the District of Columbia.

The earlier associations formed were "closed corporations," or we might call them "trade union groups," admitting to membership only probation officers or probation and parole officers, and they have continued in that policy. The more recent associations, like that of

Maryland and the proposed association for the District of Columbia, have followed the organization of the National Association, admitting to membership "all interested in the problems of probation, parole and social court work."

The National Association is in favor of the development of state probation associations. In fact, it is one of the planks of its platform to assist states and local groups in the development of such associations. The National body can best carry out its purposes of extending probation and social court work throughout the entire country and developing better standards in the work everywhere, through and with the cooperation of state and local associations. Then there are special functions for each group. The National Association sets standards, serves as a clearing house for information for the whole country and aids in local surveys and campaigns. The state association is particularly interested in the problem of legislation effecting probation, as that is a state problem. It deals with problems of administration which particularly affect the state, holds state conferences, and develops acquaintance and solidarity among the probation workers in the state. Local city associations and probation committees are valuable, especially in the large cities, to bring together probation workers and their supporters (and this includes the judges) to discuss and attack special city problems, such as appropriations, exchange of information, and cooperation.

If the question is asked, "What do the state probation associations do?" we must be frank and say that so far they have done little in any of the states mentioned except to hold regular conferences or meetings and conduct outings. However, this is valuable work in promoting acquaintance and cooperation among the officers.

In meeting and coming to know a great many probation officers during the past ten years, I have been convinced that one of the weaknesses of probation work is its general lack of organization. Probation officers are usually found fighting their battles alone or in one court group, not "hooked up" with the other probation workers and sympathizers in the city, state and nation. This is partly

because probation work has developed without organization, by individual effort, court by court, but, more important perhaps, it is due to the fact that probation officers have not been educated to believe that only "in organization there is strength," a fact expressed by the old saying that "the strength of the wolf is the pack." (Not that probation officers are wolves—far from it; but the same principle applies.)

It is hardly necessary to state what has so often been said, that advocates of better probation work can secure the necessary public recognition, cooperation and support (which means better salaries and facilities) in fact can keep what they have already obtained only through organization.

Several unsolved questions are raised when we come to the practical question of organizing or urging that probation workers and advocates organize state associations in every state. The first of these is: Shall these associations admit to their membership only probation officers or, like Maryland, all persons interested in the work? My own opinion is that they should do the latter. Probation officers can get nowhere alone. If they can associate with them in these organizations as many judges as possible, other social workers and prominent people who will help and work, the state association may be a strong force for securing needed legislation and better administration.

The second question which I bring before you for discussion is the matter of affiliation of the state associations with the national organization. There are state associations which pay organization dues in the national association, while others, a great number, have no affiliation but urge their members to enroll individually. No plan of joint collection of dues has been worked out. The method may necessarily vary in different states. The National Association would like to see a definite plan of affiliation worked out in each state, and, if possible, one that will make every member of the state a member of the National Association, receiving the benefits of its regularly published literature and actively aiding in carrying on the national work.

(As a result of the discussion that ensued, a Committee on State and Local Probation Associations was authorized by the members and appointed by President Ricks to take up the questions involved and report at the next meeting.)

MAKING SOCIAL CASE WORK CONSTRUCTIVE

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The juvenile courts like other social work agencies have taken over a great many functions which properly belong to the home, the church and the school. By reason of the revolutionary changes of our time these fundamental institutions have been exposed to a very severe strain. When we think of the magnitude of the problems which the home, church and school have had to face in our industrial communities we cannot be surprised if they did not always have a solution at hand. A large proportion of those who make up the population of American cities have grown up under a relatively simple civilization. Their habits, customs and traditions might have enabled them to adjust themselves to the conditions of a rural community but in face of the complex conditions of the American city, they find that their old habits and customs are no longer sufficient to guide and direct their lives. A very large part of the problems that workers in the juvenile court, workers in charity organizations and juvenile protective associations deal with are the result of the failure of parents, who had grown up under simple rural conditions, to adjust themselves to the conditions of the modern city.

The problem of adjusting themselves to the conditions of city life imposes a severe strain not only on those who have come from rural communities but also on those who have grown up in the city. It is difficult for anyone whose habits have been formed under

simpler conditions to adjust himself or herself to the complex relations of the large city and at the same time maintain a well-regulated plan of life.

There is no parent, no matter how well-regulated the home may be, who does not find the task of caring properly for children a very serious one at the present time. No one who has given any thought to the subject can fail to observe the great variety of things that appeal to the interests of childhood at the present time.

If the gratifying of every whim and fancy during the period of habit formation is to be prevented, the child must receive proper guidance from his parents, his teachers and pastor; and this guidance must be based on a clear knowledge of the situations which a child must be prepared to meet.

If parents with a high standard of life, with every security which income and property can give, with a good educational background and firm religious convictions, find that the training of children imposes a heavy tax on their resources and energies, we cannot be surprised if parents without property or an assured income and without the necessary knowledge of life or definite religious principles many times fail in this great and fundamental work.

The failure of the home in the training of the child has imposed a heavy burden on the school and the church which they were not ready to bear. The church and the school have transferred a large part of this burden to the various private philanthropic agencies. These agencies have found that their problems were unbearable without the assistance of the people as a whole. They have been convinced that part of the burden which they were bearing was due to certain inequalities of our social and industrial system which should be remedied by law and that the part of it which could not be eliminated by better social legislation should be borne by tax-supported agencies and institutions.

There is no probation officer and no social worker who has at all studied the larger implications of his work who has not discovered that he has assumed many functions which normally belonged to more fundamental human institutions. The probation officer deals with a fairly large group of mentally defective children. These

children have been able to make little progress under the ordinary school curriculum. They have lost interest in school work, played truant and possibly become the easy victims of a shrewd gang leader. The probation officer deals with children whose problems are traceable to physical defects. By reason of these defects the children were unable to progress in their school work; they lost interest in school, became unmanageable both in school and in the home and finally had to be turned over to the court. In our courts we deal with a type of child who has become incorrigible through a positive distaste for school work. On questioning the child you will learn that his distaste for school work is due to his dislike of a particular teacher who has failed to understand him.

Every probation officer comes into contact with children whose problems are due to poor home environments. The parents through ignorance or carelessness may have failed to show an intelligent interest in the child. They may have taken no real interest in the child's school-work, in his home study, in his recreation or associations outside the home. There is also, of course, the type of home which exercises a positively vicious influence over the children. There may be a lack of harmony between the parents. They may not be living up to their responsibilities.

It is evidently not the normal function of a court or of any social work agency to plan for mentally defective children. It is not its proper function to remedy the physical defects of childhood nor is it the normal function of a court to adjust the relations of children to teachers. All these problems naturally come within the domain of the school. The adjusting of certain types of home problems also belongs to the school. The observant teacher is quick to sense the first symptoms of poor home or environmental influences. A conference with the parents when the child first begins to drift may prevent the developments of vicious and destructive habits. If the parents are unwilling to cooperate, if the child needs special tutoring, if the child's life is dominated by a lawless gang, or if the home has almost reached the breaking point, we have situations that cannot be dealt with effectively by the ordinary teacher or ordinary school as at present organized.

At the present time our school systems are not prepared to deal with the problem child on any extensive basis. They do not have the equipment or the personnel necessary for this important work. If, however, the school is the proper agency for the treatment of the problem child it is certainly our duty as social workers to use our influence to have it supplied with the necessary equipment. Every social worker is well aware that in dealing with children the school has certain important advantages as compared with social work agencies. The school has an opportunity of studying the child's difficulties before they become serious. When the child is brought to the attention of the society for the protection of children or of the juvenile court, it has frequently developed well-fixed habits of wrong doing. Every experienced social worker knows how difficult it is to change the habits of children particularly after they have passed their fourteenth birthday and he is well aware that very little progress can be made without the aid of the school or other character-building agencies of the community. The school is much closer to the child and its parents and has much greater prestige with them and can win their confidence much more easily than any social work agency.

Social work as organized at present touches only a relatively small number of those who need its assistance. It is confined almost entirely to those in the lower economic strata of society. We are well aware that many of those higher up in the economic strata need the services which the social worker can render just as much as the poor. The well-to-do have their family problems,—problems of marriage, divorce, desertion and non-support, just as well as the poor. And yet how few of these seek advice and assistance from social work agencies in meeting these problems. We are firmly convinced that it is only when social work methods are taken over and made a part of the activities of the church and the school that it can make its greatest contribution to human welfare. Then and then only can it become truly democratic, and reach all those who are in need of a helping hand from their neighbors.

Our schools as a whole are not yet prepared to deal effectively with the problem child. We can, however, notice a distinct change

in their attitude. Teachers, like lawyers and physicians, are coming more and more to take a social point of view; they are coming to see that education includes not only classroom instruction and discipline, but all the elements that enter into character building, that it must include proper religious training, careful medical supervision, a wholesome environment in the home and adequate recreational facilities. In all probability the time is not far off when this social concept of education will find expression in organized school social service, when the school will have the facilities necessary to reach out into the home; when it will be able to bring parent and teacher together in closer working cooperation.

The socialized courts, like other social work agencies, have gradually extended their activities into fields that normally belonged to the church. This is particularly true of domestic relations and family courts. It must be admitted, of course, that it is rather difficult to draw a clear line of demarkation between the functions of the church, the school and the court in dealing with family problems. All will, however, recognize that the church must play a very important part in the solution of family problems and also in problems affecting the welfare of children. The obligations of parents one to the other, the duties of parents to children and of children to parents are fundamentally religious problems. The fundamental problem that we face in dealing with children before the juvenile court is a problem of character training. Now three things are necessary for character training: an understanding of the meaning and purposes of human life; rules of conduct based on our understanding of life's meaning and purposes; and the proper motives for observing these rules. A large percentage of the children who come into court already have some understanding of life's meaning and purposes. They have some understanding of the moral laws that should govern their lives and the sanctions attached to moral law. Through the lack of proper example and inspiration they have acquired habits of wrong-doing. If we are to change their habits we must improve or change their environment, but more important still, we must interpret for them the meaning and purposes of life; we must set before them anew the principles of moral law and the

motives for right thinking and right living. The court official cannot interpret for the delinquent child the meaning of life and the rules and motives which should govern its behaviour without taking into account the religion of the child and the church to which he belongs. In fact, the only effective means of interpreting the meaning of life and the rules of behaviour of the ordinary child is in terms of its own religious belief.

I believe, therefore, that the court will find it very difficult to do effective work without a close working relationship with the church. I have known probation officers who have been very successful in bringing children back to a sense of their religious responsibilities without the active cooperation of the church. This, however, is the exception rather than the rule. And you cannot expect to enlist the services of the church on any large scale, you cannot expect the church to assume its rightful responsibility in solving the problem until it adopts the methods of the modern case working agency.

If the influence of the church is to attain its fullest possibilities in probation work as in other types of social work we cannot rely exclusively on the ordinary pastor or individual parish. The ordinary parish is already carrying its full share of responsibility. The pastor is charged with the religious welfare of hundreds and sometimes of thousands of people. He is also preoccupied with many things that concern the material upbuilding of his parish. He has neither the time nor the special training necessary for the exacting requirements and technical details of social case work. If the ordinary pastor were to devote the time necessary for effective work with delinquents, with dependent and neglected children, he would be compelled to neglect other duties which from his standpoint as well as from the standpoint of the general welfare are far more important.

In the Catholic church it is being rather generally recognized at the present time that we can no longer depend entirely on the individual pastor for effective social work. The church is, therefore, establishing central case-working agencies with full time trained workers for the purpose of dealing with problems of juvenile delinquency, with family welfare and dependent and neglected chil-

dren. Within the past ten years twenty-five central case-working agencies have been organized by the Catholic church in the United States. This movement for the creation of central case-working agencies under the auspices of the church has very important possibilities in the field of correctional work. Our juvenile courts should find it possible to avail themselves of the assistance of these agencies in dealing with their unofficial cases, with cases of suspended sentence and with cases discharged from probation. They should also find it possible to call on the social workers from the church, for certain specific types of service for children on active probation.

When the church and the school provide themselves with the equipment necessary for intensive social case work they will naturally take over a large part of the burden that is being carried by our courts, our children's agencies and our general family agencies at the present time. But, no matter how social work in connection with the school or the church may develop there will always be a place for special courts dealing with cases which the school and the church cannot handle effectively. In their work of interpreting the meaning and functions of life, of setting forth standards of right living, both the school and the church must realize that right thinking and living can never be realized in this mortal world of ours without the inspiration of a stable family life.

They will, therefore, it is hoped, do their utmost to have the home assume its full responsibility in preparing the child for this life and the next.

NEW METHODS IN PROBATION SUPERVISION

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The aim of this paper is to describe as far as possible the intensive character of probation supervision as it is developing in the Juvenile Court of the District of Columbia. I have used the term

"developing" very consciously for the reason that during the short time since the introduction of this closer supervision it has been found necessary to make changes and modifications that have added much to the effectiveness of the probation service, and it is with this in mind that I would emphasize the statement that this type of probation supervision is not offered as a model or plan to be accepted or followed except as it may meet some need or suggest changes or modifications in systems of probation work already in operation.

In everything that has been done we have kept in mind the best interests of the children turned over to the probation department and in our effort to give these children every chance and opportunity to overcome or control the impulses, tendencies and influences conspiring toward their delinquency, we concluded not only to demand of the probation personnel the very best service of which they were capable, but to seek and ask the cooperation of individuals, agencies, organizations and institutions that in any way might or could contribute toward that end.

The problems immediately confronting us were how to secure the best service of our probation officers and how to benefit from other fields of social service. We realized that the probation officers could accomplish best results in the field and that our efforts therefore should be to release the major portion of their time in that direction; that certain routine and clerical duties could better be done by the clerical staff; that case work could be improved under instruction and guidance and more satisfactory adjustments made; that uniform methods for reporting and making investigations would do much toward standardizing the probation work as a whole and gradually lead to a professional attitude and method of work.

To enlist the interest and cooperation of others seemed not so difficult. All that was needed was a better understanding of what probation meant and what the department was trying to do. Through conference and attendance in court by representatives from various organizations, attendance at special meetings by the supervisory officers of the probation department and by personal visits and correspondence there exists at the present time between a number of organizations and the probation department an agreement that is most

encouraging. * This arrangement and understanding eliminates the duplication of effort and service that has been, and is, common in the field of social service, and serves as a check against the passing on of cases to any other agency without the knowledge or consent of the probation department.

Ten years ago the Juvenile Court of the District of Columbia was provided with only three probation officers, the chief probation officer and two assistants. Children coming before the Court and placed on probation were not assigned to an individual probation officer, but were visited by any of the three probation officers who might take their visiting card from the file. The investigation, if it might be called an investigation, contained little more than would fill a very meager face sheet, and the entry on the docket contained practically the same information. This practice continued in effect from 1906 to 1913.

In 1914 an experienced probation officer was appointed chief. Children were assigned individually to the various probation officers. However there was no supervision of the probation officers and while investigations improved, they were still not up to standard. Probation officers were expected to keep chronological diaries of events on a card especially furnished for the purpose, and although this was done in a majority of cases, no person was responsible for the records and for the character and amount of work done on each case. As a consequence probation histories were disjointed and insufficient. Weekly conferences of the probation staff with the Judge were held on Saturday mornings from ten to twelve, at which time individual probationers were discussed. Recommendations were made and conclusions reached, but again there was no one to follow them up and to see that the recommendations were carried out. Practically the whole course of treatment was left entirely to the individual probation officer.

* In all cases referred to your organization for supervision the Court requests a monthly report, except in those cases where it becomes necessary to request more frequent reports, and this will be decided upon in conferences with the Chief Probation Officer.

If, for any reason, after a case has been referred, your organization decides that it cannot properly handle the case it should be immediately referred back to the Chief Probation Officer and under no circumstances referred to another agency.

All information furnished is to be considered as strictly confidential.

In 1919 the assistant chief probation officer was designated case supervisor, and the practice of having the probation officers interviewed at regular intervals by the case supervisor was inaugurated. The card used by the probation officers for keeping chronological probation histories was enlarged and amplified, and all incoming cases were entered on the new card. A copy of the new card in each case was sent to the case supervisor. These cards contained only the name, address and file number of the probationer, and all the information called for was filled in by the probation officer and the case supervisor on their respective cards. Later, the cards were again enlarged, but no additional information was asked for, leaving the amount of clerical work to be done by probation officers and case supervisor the same. From time to time outlines for probation history and investigation were drawn up, but they were little more than the major captions, and no analysis of the special information required under each caption was made. Under this plan the supervision made little progress and was at a point where little or no attention was given by the case supervisor to the work of the investigating officer or to the investigations assigned to the probation officers. Consequently, the investigations were deteriorating, due both to the lack of follow-up on the part of the case supervisor and the amount of clerical work carried by the individual probation officer. The file box of the supervisor and probation officers contained cards of three sizes and designs and the effect was, to say the least, rather confusing.

Today the probation department staff consists of a chief probation officer, an assistant chief probation officer (case supervisor), an investigating officer, a probation officer for adults, eight probation officers supervising juvenile cases and a clerical force consisting of six persons.

When the present plan of supervision was being considered, January 1922, we kept in mind the need of making all changes conform to a central idea—and that was, to stress everything that would improve the quality of probation service and assign to the clerical force all the routine clerical work formerly done by the probation officers. We decided too, to make a complete change and all begin together on

a new basis. This entailed a careful revision of existing investigations and in many cases a complete new investigation. All active cases were grouped according to length of time on probation and a survey made to ascertain whether all recommendations or plans had been followed.

The findings were startling. A great many children were being carried on probation who under adequate supervision would have been released; many recommendations for the correction of physical defects had not been carried out and were of long standing; a very large number needed to be supplied with birth dates; in many instances no investigation had been made and probation histories had not been kept; many children could not be located and in certain cases no effort had been expended by the probation officer to find them and in a few instances children were found not to have had any supervision because the card sent the probation officer had been mislaid or lost.

A new form was designed to conform to the face sheet of the investigation form. It provided for an adequate desk record and made it a simple matter for any one of the typists to copy the needed information without direct supervision. It also relieved the probation officers of unnecessary clerical work and gave them the benefit of immediate information, which previously had to be entered in long hand or necessitated constant recourse to the investigation files. In addition, a field blank was designed which could be carried in a pocket loose-leaf binder upon which the necessary facts about the probationer could be entered and provided space for the record of all work done. A daily report blank was also designed to be carried in the same binder with the field record and includes not only the record of work done by the probation officer each day, but also the time spent in the field and in the office. A monthly report was designed which requires a record of work done on each case and its status on the last day of the month. The desk book is very helpful in this connection. It makes it possible for the typist to prepare the report sheet in advance for the probation officer and all he or she has to do is to indicate in the proper spaces the required information. This was another step toward releasing the time of the probation officer to the field.

This paper will have to take into consideration the courts that

have stenographic service and daily dictation by probation officers to stenographers, with subsequent type-written entry on the case-record.

In May, 1922, we introduced the method by which the supervisor and probation officer are both made responsible for the history of children who are placed on probation. A chronological record is kept in each case the supervisor entering one group of items and the probation officer entering another group. These records parallel, but do not duplicate each other. They rather supplement and complete the history and serve to check the work of the probation officer and by the use of this double entry method, the children have the benefit of careful case study and treatment.

When a child is placed on probation, a desk record form* made in duplicate is sent with the investigation to the supervisor. This form was planned with special reference to a larger form upon which are entered all the identifying items in the case and the summary of the investigation which has been made by the investigating officer except in such cases of incorrigibility as are immediately placed on probation and in these cases the probation officer to whom the case has been assigned makes the investigation. After reviewing the case and entering upon the carbon any special fact or recommendation from the Court or Chief Probation Officer, the supervisor, usually the same day places the complete record in a specially arranged distributor for the probation officer. The carbon is placed in a ring-binder. The supervisor has ten of these, one for each probation officer, and when the probation officer receives the original he or she places it in a similar binder which is kept on the probation officer's desk. These books are available to the court at any time and are aimed to give the current status of any case. On the form kept by the supervisor all items that come to the attention of the probation department are entered, such as telephone messages from parents and others interested; school reports, reports from clinics, reports from cooperating agencies, reports from police precincts and the House of Detention, and any casual happening in a case that requires the attention of the probation officer. This information is immediately sent to the proba-

* Copies of the forms and outlines described in this report may be secured by addressing the author.

tion officer. There are also entered upon the supervisor's form the suggestions, recommendations or instructions to the probation officer at the time of conference. On the probation officer's form are entered all visits, all reports, all developments in the case, as well as the suggestions, recommendations and instructions received at the time of conference.

The supervisor is held responsible for the kind of work done and in all cases the probation officers report directly to her. She is available at all times for consultation or advice or to meet the emergencies that continually arise.

Probation officers report to the supervisor at regular intervals (every two weeks) for conference covering a minimum period of two hours. Cases are discussed and recommendations made for increased and adequate follow-up in cases where plan has previously been discussed. New cases are taken up and suggestions made for meeting immediate difficulties, for example, the making of appointments for physical and mental examinations, reentering children in school, securing work for older boys and girls, and referring to the appropriate agency such problems as had better be handled by them, such as relief or nursing service, or where health or housing conditions require attention; acute cases or cases needing immediate court action—such as those in which the probation officer feels that he can go no further and those who are arrested upon new charges. Concerning these, the probation officer is advised as to procedure or is assisted in assembling the proper and necessary information required by the court for hearing, that the case may be properly and promptly disposed of, and any other work necessary to bring the record up to date.

During conference cases that have been referred to the Social Hygiene Clinic or to the Tuberculosis Clinic are checked to ascertain whether those cases reported by the clinics to the supervisor as not reporting for treatment are being properly supervised by the probation officer. In many cases it has been necessary to instruct the probation officer to personally take the probationer for treatment and in other cases to send the boy or girl to the hospital for proper treatment. These of course are difficult cases and sometimes necessitate commitment to ensure treatment.

To supplement the case conferences where the discussions necessarily center about the individual and immediate problems or needs, group meetings at the call of the chief probation officer are held at regular intervals. At these meetings the more general aspects of probation work are presented and discussed; any change in policy is made known and changes in program are offered for discussion and suggestion. These group reactions are helpful and welcomed.

The probation officers are, at the present time, making a careful study of case work standards and methods. A small group, three, take charge of the program and present to the others the result of their reading or study. Both the chief probation officer and the case supervisor are present at these meetings and enter the group discussion as members of the group. It is thought that this method will cultivate initiative and independence of thought and expression and develop greater confidence in carrying out the policy of the court.

A recent order directs that all probation officers, before reporting to the supervisor for conference, make a careful study of their individual cases and within two weeks after the case has been placed on probation submit to the supervisor a written plan for approval. This plan may or may not be taken up during the conference for the reason that if approved it goes back to the probation officer and becomes effective. When a plan is approved it is entered upon both the supervisor's and probation officer's record and thus becomes a part of the probation history. If the plan is not immediately approved the supervisor will make suggestions or recommendations and if necessary outline a plan. If at any time it appears necessary or desirable, for the best interests of the child, to change, modify or give up a plan, the probation officer is not to follow any other course without first consulting the supervisor, offering amendments, modifications or a substitute plan, with reasons for same. We feel that this departure will lead to more careful study of cases placed on probation and develop the ability to make increasingly more accurate diagnosis, and give greater control of situations as they arise.

Six months from the date of approval of plan the probation officer will submit to the case supervisor a complete probation history which, when approved, will be referred to the chief probation officer, who

will decide whether to continue the child on probation or to bring the matter to the attention of the court for further hearing.

In all cases of disagreement between probation officer and supervisor the chief probation officer joins the conference and assists in deciding what course had better be followed. This arrangement is very satisfactory to both and often clears up misunderstanding of instructions from the court or the head of the department, and too, gives opportunity for expression of ideas on the part of the probation officer who comes in more direct and intimate contact with the probationer.

In this way it is hoped that the average ability of the probation officer can be increased and thus bring to the work greater credit. It is also part of the plan to discover wherever possible, any individual superiority or special skill or talent that will contribute to the strength of the department by placing the control for such special technique or service where it will be of most value to the group. For example a probation officer who has had nursing training and experience can more intelligently and effectively handle cases requiring special medical or surgical knowledge. A probation officer who has had some years' experience with an agency doing family case work, is more likely to be of assistance in the field of investigation than one who is without experience in that field. A probation officer who has had professional or legal training or experience is more helpful in advising and aiding procedure where legal complications arise than one not possessed of such knowledge. Another probation officer may have the ability to find absconders when the efforts of others have failed. These illustrations of individual ability have been taken from our own experience and the assistance and benefit to the group of such special service are difficult to estimate.

It has been stated that we realized that uniform methods of reporting and making investigations would do much toward standardizing the probation work as a whole and lead to a professional attitude and methods of work. As the call for special reports was more frequent and immediate, we set out to furnish something that would serve as a reminder of the facts desired whether for a report for release, for violation of probation, for hearing, for transfer to another

probation officer, for placement upon the inactive list or for the return to the court at the expiration of a temporary commitment to the Board of Children's Guardians. Not only is the outline an aid in writing an acceptable report from the standpoint of form or appearance, but it makes it possible for the court in a very concrete way to determine the degree of improvement in the child while on probation or the failure on the part of the probation officer to accomplish satisfactory results, as the case may be.

To suggest a uniform method for making investigations presented many difficulties, if not complications. Just what facts to ask for taxed our own resources and those of the sources needed to make our investigations of real value and service to the court, to the medical and physical clinics, the Board of Children's Guardians and to the two institutions, The National Training School for Boys, and The National Training School for Girls, to which the court makes commitments. But most of all we desired to make investigations that would be of direct assistance to the probation officer in his or her efforts to improve or strengthen the social relations of the children under their care and that would aid in developing desirable qualities of character and personality.

The outline which finally developed was of slow growth. For some months information wanted by the court was noted, all active case records were read and omissions, opinions and conclusions that tended to prejudice or bias were checked. Types of delinquency were studied and the home and neighborhood conditions compared. Every question that occurred while going over these case histories laid the foundation for the outline which we are now using. Another thing that was constantly in mind was the fact that no two individuals were alike and although two boys might be brought into court upon the same charge, living in the same neighborhood, attending the same school, the social and personal background might determine that the program or plan should be different in each case.

As the probation officer is called to follow the many interests of children and to understand their bearings and the probable outcome of such interests, the more information concerning them that is available the more hopeful his task. There was still another important

consideration in developing an outline,—the advisability of making it so complete as to serve the purpose of any other agency without investigation on their part.

All investigations are now made under the guidance and supervision of the supervisor and the outline is used to the fullest extent. It is the aim to make good investigators of all probation officers. They are having double experience for they are called upon to make initial investigations on all cases immediately placed on probation and they are held responsible for supplementing the records of all cases where the preliminary investigation was made by the investigating officer.

Our investigations are all typed in duplicate. In all cases where mental examinations are ordered the information is ready and available for the psychologist and psychiatrist and in cases of commitment the information can be sent simultaneously with the child, that is, it can be mailed the same day. There are many cases where other agencies cooperating with the probation department are furnished a confidential copy or it may be that the case must be referred to some other court and in such cases a confidential copy of the case-record is sent.

Besides uniform methods of reporting and investigating we realized the desirability of and necessity for obtaining from other sources such information as would be reliable and usable in form. Certain specific facts and conditions must have permanent form and so there has grown and developed a set of forms and methods which are an index of what has been referred to, or received from, any source or agency. All requests are made in duplicate. All cases referred for follow-up service are made in duplicate upon the same form that is used for the desk record. This is an economical service for it eliminates letters of transmittal as the kind of service is placed under one of the captions found in the working agreement between the probation department and the agency that is called into service.

Under the agreement a monthly report is to be sent to the probation department and upon its receipt it is filed with the carbon in a special ring-binder and kept on the supervisor's desk.

The same method applies to all cases that have been referred to

the Social Hygiene Clinic. The carbons are kept in a ring-binder on the supervisor's desk. When the original is returned, the information is entered upon the carbon and a check is closely kept upon all who are ordered to take treatment. Twice a month a list is sent to the Clinic upon which is reported in each case whether or not the child is taking treatment at the scheduled time.

Schedules are arranged and maintained with the out-patient clinic of St. Elizabeth's Hospital and the social service department of Providence Hospital. The court at this time has no clinic directly connected with it. Each of these clinics gives a definite number of examinations for the court each week. Some days in advance of the scheduled time for a child to be taken to the clinic, the files are very carefully gone over and carbons or copies of all related information with memorandum of the appointment are sent to the clinic. The probation officer, if the examination is of a child on probation, is held responsible for getting the child to the clinic at the appointed time. If the examination is part of the investigation ordered by the court special arrangement for getting the child to the clinic is made.

Reports of examinations are returned to the supervisor's desk and she is held responsible for their proper entry, for advising the probation officer if the child is on probation, for arranging for follow-up treatment and for the carrying out of any recommended program.

A schedule is kept of all cases continued for investigation. This includes the name of the child to be investigated, the officer responsible for the investigation, the date the case is to appear on the calendar and the date when the investigation is due for the typist to get it into typed form and on the desk of the chief probation officer before the case comes into court.

Schedules for conference, office hours and a time-book to enable the case supervisor to know when probation officers are in or out, and if the latter, when to expect their return, are kept in the supervisor's office.

There is also on the supervisor's desk a ring-binder containing in chronological order carbons of lookouts placed with the detective bureau of the Metropolitan Police for missing and absconding children. When the lookout is written, three carbons are made, one for

the files, one for the women's bureau of the Metropolitan Police and one for the supervisor. The original request for a lookout is made to the supervisor who O.K's it after noting that it contains necessary identifying items, the time the child left home, and any information regarding associates and localities frequented by the child that might aid in apprehending him. This lookout is subsequently printed in a bulletin issued daily to each member of the Metropolitan Police Department. Many of these bulletins are distributed to police departments in other cities.

All correspondence is cleared through the supervisor's desk and the supervisor is charged with the responsibility of completing the arrangements for all cases where special placement or adjustment enter into the situation.

For ready reference and to correct a situation that was becoming acute, a file originally intended to assist in checking and having ready all cases of children approaching seventeen years of age when they automatically pass from the jurisdiction of the court has demonstrated its use and value for many other purposes. The card for the file comes to the supervisor's desk when a child is placed on probation and the expiration date (seventeenth birthday) automatically places it in an age group which makes it possible at any time to tell the exact number of boys or girls of a certain age on probation. By using color signals the file shows the number of children temporarily committed to the Board of Children's Guardians, the number that have been given physical examinations, the number given mental examinations, the number dismissed from probation and the number of minority commitments to the Board of Children's Guardians and to the two Training Schools.

For the purpose of gaining deeper insight and working knowledge of conditions and the causes underlying probation problems several group studies have been made under the direction of the supervisor. These cross sections show "the economic status of families in relation to delinquency" and "the number and percentage of boys and girls on probation requiring treatment for venereal disease and the difficulties encountered in effecting cures." While these studies are important and extremely interesting and illuminating and aid in a

more sympathetic understanding of the situation, a detailed statement as to findings and conclusions cannot properly be made a part of the present paper.

After the present arrangement between the court and the Superintendent of Public Schools was effected, need arose for a questionnaire to obtain information regarding the attendance and conduct of children coming before the court and of those with whom the probation department was more directly concerned. Such questionnaire was designed and in addition to the items mentioned other information of value in the possession of the school officials can be entered. The questionnaire is sent to the supervising principal of the school division which the child attends by the case supervisor's office at the request of the probation officer, except in new cases, when it constitutes part of the preliminary procedure as soon as a case is referred for investigation.

Of course you will ask "What have been the results?" The results can only be indicated, but the indications are very encouraging. There is on the part of the probation officers an expressed desire to do better work and to anticipate the suggestions or criticisms of the supervisor; there is promptness in bringing to the attention of the supervisor the need for special service and working with outside agencies has done much to keep the probation officers alert and punctual in keeping appointments. Consequently the resources of the city are better utilized. Children are no longer indefinitely carried on probation because the work is carefully planned and a close follow-up is maintained. Indiscriminate visiting has been lessened and the probation work as a whole shows more careful planning.

Cooperation from other agencies is more easily secured and maintained and there is less duplication of effort and service. The community is better informed as to the work of the probation department and has come to realize that the procedure is not aimed to punish the children but as far as possible to protect, train and treat according to standards that are firmly grounded in the principles and teachings that make for useful and law-abiding citizens.

Perhaps the outstanding result is the training on the job that has come as a by-product of supervision. In developing a time and energy-

saving method; in cultivating a sympathetic and understanding attitude toward the children on probation; in establishing and maintaining standards by which field work is measured; in endeavoring in every way to do increasingly better work the probation officers and others in the probation department have performed the major part. To set in motion and guide the task is but a part, the greater credit must go to them who have the faith and the courage to follow the plan that has been worked out and, for the time being, put into effect.

MENTAL AND MORAL PROBLEMS OF THE WOMAN PROBATIONER

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There is a group of adult offenders for whom very little has been done and practically nothing has been said about them although their problems are important because of their social significance,—namely, persons charged with the neglect of their children. These individuals make up a fairly large group, present many serious social problems and while they are brought into court ostensibly because of their neglect, investigation often shows that they are guilty of many irregularities in conduct, their neglect being an end-product, the result of these irregularities. In some instances they have appeared in the adult courts repeatedly for petty larceny, sex irregularities, disturbing the peace, or alcoholic excesses, only to appear later in the Juvenile Court for neglect of children.

Even cursory examination shows that some of these persons are not altogether normal in that their conduct does not appear to be controlled, or their lives balanced. Their impulsiveness, irritability, poor judgment, easy discouragement, defiance and inadequacy suggest an imperfect balance of personality or faulty mental functioning with lowered morale. The problem is serious because not only the individual in question but the children are involved. Very often the family tie is a close one and separating the children from the

parents, providing for them in boarding homes, in no way solves the problem.

The problem is probably no more serious in Detroit than elsewhere but it was felt that no satisfactory solution had been reached. It was therefore decided to refer the more flagrant cases to the Psychopathic Clinic for intensive study. It was later suggested that the Mother's Pension group be included inasmuch as many of the mothers receiving pensions were failing in the same way, the pensions having to be revoked because of conduct deviations, which necessitated removing the children. In addition to examination, active supervision was undertaken. The experiment has now continued over a period of three years. As the problems presented by the group correspond in many ways with those presented in the Probation Department, it was felt that possibly a report of the results might prove interesting to this Conference.

As was to be expected, a very large number referred in this way were found to be mental deviates, about 48% being definitely feeble-minded, mostly high grade types, and a little over 40% showing personality difficulties sufficient to place them in the group of psychopaths, the inadequate and emotionally unstable making up the larger part of these, but there were also some definitely psychoneurotic and a few psychotic individuals. The remaining 12% showed insufficient deviation from the normal to be classified but their difficulties were generally psychological in that they failed to see what was required of them, misunderstood directions or were temporarily upset because of some disagreement with officers. Health and economic problems often veiled these conditions and further complicated matters. With so many deviates it was obvious that without a better understanding of their problems and mental conditions it would be impossible to handle them and they were therefore placed on probation to the Psychopathic Clinic. A special department was developed to look after their needs and attempt readjustments which would, if possible, preserve the family unit wherever this was practical. Believing that delinquency is a family problem and must be attacked through the family, it was decided to do general family case-work, making each member of the family

an individual study however, the psychiatric approach to be used throughout, in this way making possible a program which would include every member of the group and take into consideration his or her particular need, idiosyncrasies or contribution. It sometimes happened that the mother was already on probation in another court for some offense, neglect of the children being only incidental but the thing that had led to her being referred for study, and it was also very soon discovered that many of the children were also on probation, the younger ones in Juvenile Court and the older in Municipal Court. Fortunately the relations between the courts are friendly and the two psychopathic clinics work well together so that this duplication caused no difficulties, but an arrangement was finally made whereby the adult males were examined at the Municipal Court Clinic and continued to report to their officers while the women and girls were transferred for examination and reporting to the Juvenile Court Clinic—all the intensive supervision and family case-work, however, being left to this special department developed to handle the problem. Transfer of reports could, of course, occur only where the woman or girl was charged with neglect and a mental deviate, supervision not being undertaken in the other cases.

Sources:

Only those cases showing conduct anomalies in addition to neglect of the children are referred and we are now receiving cases not only from the Mother's Pension and Neglect Departments, but from the Domestic Relations Division of the Municipal Court and the Child-caring agencies filing neglect complaints. In each case the mother is put on probation but the entire family comes under the supervision and all are subject to the jurisdiction of the Court, as the complaint covers the children.

Organization:

The mental examination and personality studies are made by the regular staff of the clinic, the cases going through as regular patients, but the investigations are more intensive on the side of family and neighborhood conditions and an effort is made to get at the conduct difficulties,—being more than an examination to determine the mental status of the patient as treatment is outlined on

the basis of these findings. The family is then referred to a psychiatric nurse for intensive supervision and she carries out the treatment outlined by the psychiatrist, adjusts the social difficulties and meets the family's needs throughout the period of trial, having very close contact with the Clinic Director,—the entire program being carried out on strictly psychiatric lines. Each family supervisor carries at least thirty families but not more than thirty-five, and that number only after the initial difficulties of a large proportion of her group have been straightened out.

Methods:

Although no definite term of probation is assigned, the program assumes that the family will be under intensive supervision for at least a year, longer if necessary, and plans for each family cover that period. The ideal goal is complete emancipation of the family and each individual in the group but it is not always possible to bring this about. It is therefore aimed to rehabilitate all as far as possible and get them into a state of mind such that they can be supervised to advantage by other existing social agencies.

A constructive program for each family is worked out in which the particular difficulties are provided for but in every case it has been found that the simple fundamental principles of general hygiene have been neglected so that it is necessary to begin at the bottom and re-vamp the entire family life. It is impossible to accomplish anything in the way of adjustment of complexes or emotional difficulties until the physical conditions have been satisfactorily arranged, so that the problem is instantly reduced to general family case-work as carried out by a high-grade family agency, but while accomplishing these changes, mental hygiene ideas can be introduced whenever an opportunity is offered and these preliminary arrangements prove a most satisfactory background on which to build new habits and outlook on life as the every-day things are already understood and the probationers are relieved to find themselves going along very much as they were before, being surprised at the lack of interference and delighted with their accomplishments through orderly procedure, although having no more to do than formerly. At first indignant because of being referred for mental

examination, they pass through several stages of defense reactions followed by relief at the simplicity and common-sense attitude toward their problems, surprise to find that so little is made of their supposed peculiarities and misconduct and delight with their own accomplishments when they have learned to take advantage of their abilities and make allowance for their limitations. In fact, psychology and psychiatry have brought very little that is new to the work except for the point of view and the method of approach, namely, the biological interpretation of conduct with the individual as the unit of adjustment.

While all the social agencies are used, the contacts are made through the supervisor on the case and not by any member of the family because one of their main difficulties is "getting on" with people and their greatest trouble is often in these contacts which, because of the approach, leads to misunderstanding and antagonisms which only act as further barriers to adjustment. While there is much to be said for the efficiency of the work where each agency specializes in one type of service, the system is unduly hard on all those individuals whose personality make-up is such that they do not make contacts easily and are confused by too many directions, being unable to find their way through the maze of contradictory advice, a difficult problem for all of us, but utterly unbalancing to this group. It was therefore agreed that when cases are referred to the Psychopathic Clinic for supervision, all agencies active on the family would withdraw and render their particular service at the request of the clinic supervisor and then only through her. The psychiatric nurse has training and experience in general family case work as well as special psychiatric training so that she knows when to refer for special assistance, but always prepares the family to accept it before bringing in a new worker, then works with her throughout as one of the family in order to make the relations appear as natural as possible. The difficult directions she interprets and also helps the family get started in each new experiment. In this way antagonisms have been reduced to a minimum and the families come to accept almost any suggestions of the supervisor.

Probation should be a period of re-education and helpful sug-

gestions, one in which the probationer is given an opportunity to get a better hold on herself, understand what has led to her being brought into court, so that there need be no repetition of the offense through lack of understanding,—a training period with guidance and encouragement to establish different habits and attitude of mind without any idea of punishment or restitution, being simply a trial period to determine whether or not the probationer is capable of favorable response. It should never be granted where the probationer objects to the supervision or is incapable of meeting her obligations. We were determined that it should be a period of actual training and therefore wanted to rid the whole experiment of as many of the court restrictions as possible in order to be free in dealing with each individual according to her particular needs. Where misconduct is analyzed from the biological and psychological point of view and is interpreted as a mistake or the result of disease or a typical functioning, it is much easier to gain the cooperation of the probationer. Inasmuch as the cases under consideration are psychopaths or mental deviates of some type, it was not difficult to get permission to use these special methods and to remove the cases entirely from the group reporting regularly. The psychiatric nurses are court officers and have the same powers and authority as the non-psychiatric probation officer, standing in the same relation to the court. This relation, however, is not emphasized as we want the probationer to feel that she is not going to be forced into conformity against her will or to accept conditions in the making of which she had nothing to say. Antagonism is to be expected where the individual feels that she has been checked.

The educational program covers the ordinary everyday things that come up in every family such as the economic, health, school and neighborhood problems.

This outline so far indicates nothing more than good family casework but just as soon as the probationer drops her initial suspicions, beginnings are made to get at her peculiar biases and temperamental make-up and arouse her interest in herself in order to initiate self-analysis and education in self-control. The simplest principles of mental hygiene are discussed with her and every op-

portunity offered by the daily happenings is used to illustrate the points. Issues are faced at once and worked out together. Every problem is dealt with frankly. There are no reservations and nothing is allowed to assume undue importance. This is the advantage of handling the probationer in the family. Her delinquency does not stand out as over against everything else but receives only its share of attention and is treated in the same way as any of the other problems that come up, namely, as something to be faced, understood and worked out. The psychiatric point of view and approach help a great deal but undoubtedly having the children and the home situation as a background it is easier for them to get perspective, and efforts at moral training are not given undue prominence. Moreover the manner of instruction is less offensive in that the probationer analyzes her own conduct with the psychologist who goes into the minutest details with her if she wishes. The urges and drives are explained in the simplest terms. She is encouraged to ask questions about anything and everything. Emotional and instinctive backgrounds of conduct are also discussed in terms understandable to this group, the individual's own particular needs being emphasized. An even better approach is through the children—when we deal with tantrums, emotional outbreaks, extreme shyness, petty stealing, quarrelsomeness, prevarication, deceit, etc., explaining the cause to the mother and showing her how to deal with these problems. To remove the analysis even one step helps because there is none of the reaction that comes when the self is criticised or judged by another. The more intelligent ones want the children examined and attend the habit clinic regularly, taking up with the supervisor each new problem and discussing at length the advice given at the clinic. The instruction goes along quietly through the daily contacts, no special point being made of the delinquency. There is no moralizing but every effort is made to get the entire family group to work toward a definite goal within their reach but beyond what they have already attained with a few ideals and a hobby to balance things. It would be impossible to give in a paper of this length detailed instructions as to the teaching methods or definite procedure because each individual presents a special prob-

lem and has to be approached according to her particular personality makeup but some of the more general policies may be outlined.

1. The delinquency is never stressed but is dealt with as only one of the many problems to be worked out, something that may be indulged in if they wish, provided they understand what it means and are willing to take the consequences, morality being self-imposed, not super-imposed.

2. There is never any negative criticism or fault-finding. Only positive gains are commented upon, real appreciation being shown at these times. Disappointment and concern, with encouragement to start over again, are shown when they bring up their failures, otherwise they are ignored unless they are apprehended by the police.

3. Emotional stresses are reduced through assuming the most matter of fact attitude toward everything. Nothing is permitted to lose perspective—all of which means complete self-control on the part of the supervisor, and this in itself is instructive to every member coming in contact with her.

4. The psychiatric approach is used throughout. With the exception of a better understanding of human behavior and personality types, nothing new is introduced. It is simply a matter of developing in individuals more self-control through a better understanding of themselves with a simple common-sense philosophy of life to help them meet difficulties and emergencies, partly through definite instruction but largely through the example of the supervisor. Her abundant optimism, sense of humor and knowledge of humans make a strong appeal and very soon establish the frankest relations and strongest loyalty. She becomes an integral part of the family and serves as a wise and impartial advisor, a position that they come to respect because she does not come as an outsider at the time of the crisis. As a friendly advisor, she makes suggestions but the individuals are made to feel that they may do as they please about acting upon them—somewhat different from the attitude in most probation departments where so much stress is necessarily made on moral issues and conformity.

5. Absolute frankness is encouraged. There is nothing too simple or intimate for analysis.

6. Adequate recreation for every member of the family is insisted upon.

7. Suitable employment under favorable conditions is the ideal goal, not just mere occupation for a livelihood. Insofar as possible the probationer and the older children are being placed at work which they are particularly qualified to do and it must be something they like, their employment being used as one of the means of self-expression. Where this is done the younger children are placed in the day nurseries.

8. Supervision is made as unobjectionable as possible and there is no formal reporting.

Success seems to depend on the ability of the supervisor to carry details, get the lives on a plan and to thoroughly understand personality makeups. The whole problem then reduces itself to good family case work with the psychiatric point of view, the individual being the unit of adjustment, the family furnishing the background for social adjustment which is gradually extended into the community as problems arise outside of the home.

Results:

The group showing insufficient deviation to be placed with the mental deviates (12%) are very quickly straightened out by this approach and for the most part are responsive as soon as they see wherein they are at fault and how such conduct only produces further hardships. They are either returned to the court for dismissal after a three months' period, or where it is felt that they cannot manage without some help, are dismissed from probation but referred to some social agency for slight supervision.

The psychopaths (40%) have proved the most interesting group because of their varied responses. Many of them are high grade individuals of good endowment but so erratic in conduct and emotionally unstable that their problems of adjustment have, in some instances, proved too much for them. As a group, however, they have done exceptionally well and very few of these families have been broken up except in the cases where it became necessary to hospitalize the probationer, but we find that many of them cannot be transferred to other agencies for supervision where the peculiarities

of personality are not understood for they soon return to their former antagonisms and ideas of persecution or interference. At the end of their year, after they have made good, release from probation is recommended but they are continued on unofficial probation and allowed to come in for advice at any time on any problem and the supervisors call when in the neighborhood, but regular visits are discontinued because of the pressure of work and the expense.

The greatest difficulty in this group is finding suitable and remunerative employment where the income is inadequate. When they can be placed in positions allowing for some originality, a little responsibility and some initiative, it helps greatly in solving their personality difficulties, these activities serving to drain off the impulses and as outlets, reducing the repression which has led to the irritability and emotional instability. The greatest successes have come where it was possible to place the probationer in novel employments. For instance, one young woman who had been a serious sex offender and given to occasional petty larceny, had a craving for drawing and mechanical art. She had never had an opportunity for training and had been forced into disagreeable occupation because of the acute economic situation at home. She was placed in an architect's office where she developed blue-prints at a fair wage and later became so helpful about the drafting room and was obviously so interested in the work that one of the draftsmen became interested in her and let her use his drawing tools after hours, later calling the architect's attention to her. She also managed to go to night school and showed some talent so that a scholarship was obtained for her. She is now assisting in the office and going to school nights, supporting herself and child.

Another very high-type girl, a High School graduate, who came from a good, respectable, middle class family, but an accidental sex offender who had taken her delinquency very seriously and had developed a psychoneurosis as a result, was thoroughly unmanageable in the hospital wards following confinement, refused to care for her baby, although she was devoted to it spasmodically, but would not give it up. When dismissed from the hospital she re-

fused to do office work, although she had been an excellent accountant and bookkeeper, and would not go home, neither would she give up the child. She said the only place she would consider was that of a governess in a fine family. Eventually a place was found for her. She quieted down emotionally, the psychoneurosis cleared and she has continued in the same place over two years, being highly respected by the family who know nothing about her history. She has the baby in a boarding home and spends her week-ends and Thursdays with it, being entirely responsible for its support and her own expenses.

There are repeated successes with cases placed in doctors' offices and a few are succeeding as practical nurses, both positions ordinarily closed to offenders. Quite a number of our younger women want to go into Social Service and while this has not been tried as yet, if suitable openings occur, the more hopeful probationers may be recommended. Still another type do well making salads or frosting cakes and some are making good as tailor's assistants. Housework is never forced on any probationer as we believe that it is not only objectionable to them but one of the most dangerous occupations because of the impossibility of adequate supervision and the great opportunity for injustice and unhappy relations, a condition that is made worse by the isolation and anomalous social position—both being abnormal.

The second hardest problem is adequate and appropriate recreation. As a group they are difficult to entertain, not only because of the small children, family responsibilities and acute economic situations, but they know nothing about wholesome play. Many of them have known nothing but hard work and privation and their misconduct is simply one form of rebellion against the restraint. They do not know how to play and are so circumscribed in their interests that it is often almost impossible to arouse the play spirit in some, while others want to do nothing else but play and have chosen objectionable forms of amusements which have proved all-absorbing. As yet this problem has not been solved satisfactorily. We have tried to establish local social centers, mother's meetings, interest in school entertainments and encourage family excursions. For the older

children it is simpler—but our probationers are not as yet getting all that they should have in the way of recreation. One of our interesting failures is a woman of thirty-two years of age who has four thoroughly incorrigible children who are destructive and general neighborhood nuisances. The woman is a High School graduate and occupies a good position in a downtown office, which takes up her days. The evenings she spends at an art club or attending concerts, when she is not practicing on the piano. Although the children go about unattended and partly clothed and the landlady and neighbors complain because of their depredations on their property and immoral conduct, the mother states quite openly that it is not to be expected that after working down town all day she is going to spend her evenings sewing on buttons or bathing four noisy, dirty children, and yet she refuses to permit them to be placed in boarding homes where she could see them without having any of the responsibility of their care, not even the expense, as the county would pay their board. The Mother's Pension Department made every effort to get her to give up her position, offering to increase the pension and provide adequately for a family of five through supplementary relief, but she will have none of it. She was finally referred for psychiatric service but nothing has been accomplished. No approach has been found whereby we could get any hold. She is now becoming more and more paranoid. It was therefore recommended that probation be discontinued, the pension revoked and the children placed for boarding care.

In another case the artistic bent was used to advantage in furnishing the home. She had been promiscuous—in fact earned her living by prostitution; had four illegitimate children, each having a different father, but she was strongly maternal and determined to keep her children although one had been taken and placed for adoption and two had been placed in boarding homes. The fourth she had hidden and denied, believing that it was to be taken by the court. So devoted was she to this child that it seemed unwise to remove it and she mourned so much over the loss of the others that it was decided to try the experiment of letting her have her children, as it was the only thing that had not been tried. Her family had

denounced her and she stood alone but maintained that if she could have a home of her own she would be content with the children. A mother's pension was granted and through friends of the clinic a three-room apartment was furnished. She re-painted the furniture, stenciled the curtains, made table runners, upholstered the old chairs, and darned the strips of carpet,—making an attractive little place out of cast-off materials. She has since bought a sewing machine, makes all her own clothes as well as the children's, keeps her house immaculately clean, and apparently is perfectly happy,—she even finds time to read an occasional novel and keeps up two Housekeeping magazines. Her children are also being brought up according to modern methods and report regularly at the baby and habit clinics. There have been no lapses although she is now completing her second year. Her family have accepted her and about three months ago she was reinstated in the church.

The third group, the mentally defective, (48%), while not so interesting perhaps as the psychopaths, are surprising in their responses. Being defective they cannot have the same help through analysis and simply have to be directed. Where the physical conditions can be controlled they give very little trouble, being for the most part good conformists when they are shown what is wanted, although they may not always understand, and require permanent intensive supervision. They can be taught to keep the children clean and in school, the house in fair order, and many of them can even live according to budget and follow general hygiene principles, reporting to clinics and hospitals when necessary. In fact, as a group they give the least trouble where the condition is not complicated by peculiarities of personality. It is important to have the physical conditions as good as possible and essential that the neighborhood be free from evil influences, because of their suggestibility. They can be kept out of trouble through intensive supervision provided their wants are taken care of. They are generally not aggressive and their difficulties come about because of inadequacies. Where there are personality difficulties they are a very difficult group and in case of failure after a reasonable trial, they are persuaded to place the children for boarding care. If their condition warrants custodial

care they are recommended for commitment to the State Training School but because of the crowded conditions, they have to be continued under supervision many months, often two and three years, before transfer.

In this work as elsewhere, in all groups the sex offenders give the greatest trouble. The biological urge is great. With their craving for protection and affection the problem of male companionship is a difficult one. The drive may be normal but the social conditions are often such that these women are an easy prey, not only because of the economic situation but the loneliness and emptiness of their lives. They want to be like others but are not in a position to make friends. Moreover we have not as yet found a substitute as exciting or interesting as this type of companionship and have very little to offer them. If they are to remain in the community some provision for normal friendship must be made. While adequate incomes, favorable home conditions and suitable employment will help materially in straightening out sex difficulties, they alone cannot be expected to satisfy this drive. We are not only permitting but encouraging friendships and are being reasonably successful with this group but are far from solving the problem. Probably because of the children, our successes are running a little higher than in the general group of probationers but even so, the poorest returns occur here.

Probation is considered successful when the probationer has kept out of serious difficulty such as larceny, drinking, sex offenses and neighborhood wrangles for a period of one year and has maintained the minimum standards in the home such as keeping the children reasonably clean and in school, the house in fair condition and the family meeting the simpler rules of hygienic living—which means at least some improvement in self-control or they could not conform. Accurate grading is, of course, impossible but we judge the results on the basis of actual home conditions, whether or not supplementary relief is going into the family and the type of contacts with social agencies still necessary at the end of the year. On this basis the following results have been obtained:

One hundred and sixty-two families (645 children being repre-

sented) have already been cared for. Failure has resulted in 23% of the cases, largely because of the mental conditions; 71% of these had to be hospitalized, the remaining 29% are still being carried.

Of the successful group (77%), a third have been discharged from probation and released from all supervision. Another 36% have also been released from probation but transferred to other social agencies for supervision. The remaining 31% are still in their first year of probation and are being carried.

MENTAL AND MORAL PROBLEMS OF THE CHILD PROBATIONER

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Since all behavior is conditioned by mental life, it goes without saying that we can hardly over-estimate the importance of a knowledge or study of mental life in all conduct problems. When we consider questions of conduct of human beings, we arbitrarily divide the whole subject into physical, mental, and social aspects. This is distinctly worth while for the purposes of clarity in thinking, but in reality the human being functions as a whole, and these various aspects are all closely inter-related. As a matter of fact, the physical and social factors in behavior are only of significance when they are forces in mental life. We know very well that even severe physical handicaps may be absolutely without significance in relationship to behavior. The undernourished and sickly child may have more vigor and ambition than his more robust brother. Again, a physical handicap may have its more important aspect, not in the physical consequences, but much more largely in its mental influence. Take for example the case of a ten year old boy, a chronic truant, found on examination to have an extreme strabismus of one eye. The fact that he is cross-eyed does affect his vision somewhat, but much more related to his delinquency is the fact that he shuns school because he much objects to the nickname "Cock-eye."

As for the social conditions found through investigation and study, these, too, must be interpreted in their relationship to misconduct in terms of their influence on the mental life. Poverty in one case is an incentive for the individual to work hard and earn well; in another it has a directly opposite effect. Alcoholism on the part of a father may set a very poor example to one son who, through imitation and lowering of standards, follows in the father's footsteps. But, having an opposite effect on another son, it may act as a deterrent, causing the son to reach the decision that having seen its harmful influence he "will never touch a drop." Thus, though familiarity with the social and environmental background may be necessary, in order to bring about improvement in conditions that are deleterious, yet from the standpoint of evaluating their relationship to misconduct, they must be interpreted in terms of their significance in the life of the individual under consideration.

Study of the mental life of the child includes, of course, a knowledge of his mental abilities, both in terms of so-called general intelligence and of his special abilities and disabilities. It includes, too, a study of his personality make-up. These aspects we commonly think of when discussing the mental life of an individual. We should also include under this heading a knowledge of the experiences that have entered into the life of the child and his reaction to them.

THE PHYSICAL AND FINANCIAL PROBLEMS OF GIRL PROBATIONERS

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There are no phases of probation service that are more fundamental than those relating to the physical and financial problems of the probationer. No matter with what offense she is charged nor at what age she is placed on probation, the need is recognized for intensive work for the upbuilding of the physical make-up before expecting to strengthen the morale and to educate the woman and so fit her to earn a living wage.

The American Bureau of Social Hygiene has studied the causes contributing to crime, and recent reports evidence that criminal tendencies in a large number of individuals emerge from physical defects and lack of wage earning capacity. It is true that healthy children from comfortable homes "go wrong," and enter the life of the underworld,—steal, become clever forgers, use drugs, become prostitutes, etc.; but where they are inadequately nourished and surrounded by unattractive living quarters the tendency to delinquency is greater.

We cannot hope to discover causes of conduct disorders and remedy those disorders in the probationer until we discover the quality and quantity of food of which she partakes, how much sleep she gets and under what conditions, and, in general, all the physical factors, including economic pressure.

A study by Mr. Worthington and Miss Topping from the Bureau of Social Hygiene, published in 1922, of the Women's Courts in New York, Philadelphia, Boston and Chicago, emphasizes the fact that physical defects, especially the neglect of treating venereal disease results in inefficiency on the part of the probationer. In the month of March, 1923, 71% of the women convicted in the Women's Court of New York City were found suffering from venereal disease. Were it not for the efficient service of the Health Department, which gives these women, many of them young and first offenders, hospital care, much of the value of the Probation Department would be lessened.

In a study I have recently made of 300 probationers from the Women's Court of New York City, it is shown that 60% of the women were characterized by a high degree of physical defectiveness, the result of faulty nutrition, congested living quarters, neglect of teeth, lack of proper bathing and other unhygienic conditions, including neglect of treatment for venereal diseases.

Illustrative of the fact that physical defects lead to delinquency, I have in mind a young girl whose teeth were knocked out by a man for whom she refused to lead a life of prostitution, after he had failed to make good his promise of marriage. Her parents were dead and the girl had been neglected by her married sister with whom she lived. She had no education to fit her for lucrative employment and for months she tried to earn a living but always the ugliness of her mouth

and thought of why it had been made so, horrified and discouraged her. She was arrested for soliciting and in the Woman's Court told her story to the probation officer and when it was suggested that her lost teeth be replaced, she immediately evinced a new outlook on life. It took some hours to convince a committee that money for the above purpose was not to stimulate the girl's vanity, but because the girl needed better facilities to eat and digest her food and also to make her less ashamed to apply for a high class job. The money was granted with the result that the girl was reclaimed to useful citizenship.

It is not nearly so much the economic pressure which forces a girl to the life of the underworld where she associates with thieves, procurers and drug addicts as it is the ugliness and monotony of the daily routine in factory or shop with little prospect of a raise of salary because of her low wage earning capacity. A disorderly life is in many instances only attractive to a girl so far as it varies her existence and creates stimulation. Only 2% of the 300 women in my study were actually in poverty.

The financial problem largely rests upon education and until the schools fit young women by vocational training to become economic assets they will add in large number to those who become social waste. Adjust the girl to the position she likes best and she will not leave it for trivial reasons.

An interesting case of a young girl to whom fitness for a job meant rehabilitation of a permanent sort, is that of one who came from a little town in Connecticut, a runaway from her home. She had been pasting labels on bottles, a job which she disliked. She was bright and attractive looking, had a fondness and ability for dancing and when coming to New York, she met a young man in a restaurant who told her that he had an opening for her in a splendid vaudeville show in Boston. She found to her sorrow that the job was a myth. He had taken her there for immoral purposes. She left him and returned to New York, made every effort to get a position with a cabaret or theatrical company. Failing, she drifted to unhealthful recreation in dance halls and two months later was arrested for prostitution. Her humiliation was pathetic and she pleaded for employment according to her desires. Again, a committee interested in the reformation of girls was appealed to for money to give the girl dancing instruction under right auspices. Talent unsuspected by her instructors developed, and within two years she became expert and was recommended to a leading opera house which engaged her services at a large salary. Her fitness for the position made her an economic asset.

The keynote of physical and financial adjustment of the proba-

tioner is not to try to adjust the probationer to the environment but to modify the environment to fit the probationer.

Each woman, whatever be her offense, must be regarded as an integral part of a great social problem, and our plan of meeting the problem must be laid upon a firm foundation. To build upon the firm foundation, we must arouse the consciousness of communities to see to it that:

1. The immigrant is distributed at ports of entry to avoid the overcrowding and congestion of living quarters in big cities.

2. More vocational guidance given to the adolescent girl in public schools.

3. More vocational guidance in employment agencies to guide the maladjusted girl toward a congenial pursuit.

4. More parks, playgrounds, better movies and dance halls in the country as well as the city.

Even though we have kind hearts, wise heads and religious consciousness in dealing with the women in our care, we can not hope to put the probationer on her feet, and energize her to stand alone when the period of supervision ceases, unless we help in changing these basic conditions favoring delinquency.

REPORT OF THE COMMITTEE ON WOMEN AND GIRLS

CLAIRE M. SANDERS, *Chairman*

Chief, Girls' Department, Juvenile Court, Detroit

Immediately upon the appointment of this Committee early in the year 1923, I communicated by letter with the various members. Replies came back almost unanimously to the effect that this committee should initiate a piece of work which shall establish standards for probation work and a method of measuring probation work such as the Committee on Juvenile Court Standards has so effectively completed.

To this end the committee determined to make this meeting an introduction to such a piece of work. The program was accordingly prepared with that in view.

The attendance at this meeting encourages us to feel that your interest is with us in this undertaking. In the event that the resolution which we have to present is adopted, authorizing the committee "To undertake an intensive study of methods and resources employed by probation officers in the handling of their cases in an effort to standardize probation work among women and girls and provide for probation officers a practical guide and check in their individual work" we shall need your hearty cooperation throughout the country.

It is our hope that the result of this study may give body to probation work and enable us all to more intelligently compare results and develop methods.

REPORT OF THE COMMITTEE ON RECORDS AND STATISTICS

MABEL BROWN ELLIS, *Chairman*

*Assistant Director, Joint Committee on Methods of Preventing
Delinquency, Commonwealth Fund, New York City*

At the first meeting of the Committee on February 10, 1923, the Secretary of the Association made the following statement of the purposes for which the Committee had been created:

"In creating this new standing committee the officers of the National Probation Association had in mind the bringing together of a group of people directly concerned in social court statistics and others well-informed and interested in general social statistics. The creation of the committee is the result of many requests from probation officers and other court workers for help and guidance in improving their statistical work. We have all been impressed with the great need for studying and standardizing court statistics; there are almost no standards in this field and very little adequate statistical work is done. The lack of available reports from the courts and the inadequacy of such as there are is an indication of the need for better statistical work. Studies of individual courts reveal a deplorable lack of standards in case record systems. The committee is asked to study the whole problem of court records with special emphasis on the social or probation records and statistics. Then it is asked to formulate a system of records and statistics adaptable to the various types of courts, not forgetting the small rural courts, pointing out ways and means by which progress can be

made in securing ideal and, as far as possible, uniform systems in all courts. It is expected that the committee can only make a beginning in this important work this year, presenting a preliminary report at the Annual Conference next May and continuing its work so as to make as full a report as possible at the succeeding Annual Conference."

This laid upon the Committee a three-fold responsibility:

- 1) To study probation records and statistics in all types of courts;
- 2) To formulate a system of probation record-forms adaptable to various types of courts;
- 3) To point out ways by which progress can be made toward securing a reasonable degree of uniformity in the keeping of court and probation records.

In order to keep its aims for this year within the bounds of possible accomplishment the Committee definitely decided to limit its work to:

- 1) A statement of the purposes for which court statistics should be compiled;
- 2) An effort to find out how far those purposes are being served by the methods of compiling juvenile court statistics in use at present either by single courts or states (not including detention home statistics or financial statements);
- 3) A statement regarding the training desirable for those who are to prepare reports and to plan, install, and keep up systems of court records;
- 4) Suggestions of ways and means by which trained statistical service can be made more easily available to courts.

The study of statistical method has been this year confined to juvenile courts but it is by no means the purpose of the Committee to disregard the needs in the field of adult probation. Its general conclusions are equally applicable to all courts where probation is known.

The Purposes of Statistical Work

Processes in statistics, unlike those in algebra, proceed backward. Sound statistical procedure demands that you have already in mind

the points on which you wish to secure information at the end of the year before you plan the record-forms on which the facts will be entered and from which they will be compiled. For a committee charged with the responsibility of devising record-forms adaptable to different types of courts, the logical first step would then seem to be the formulation of these minimum requirements for end-of-the-year knowledge and the drafting of suitable forms of presentation.

But in view of the fact that the Federal Children's Bureau was known to be contemplating the preparation of tables setting forth in proper statistical form the classifications under which juvenile courts should tabulate their information, the Committee on Records and Statistics has contented itself with the preparation of a general statement covering what it believes to be the four main purposes which should be considered in the compilation of social statistics from courts. This statement was prepared in practically its present form by one member of the Committee, Miss Georgia G. Ralph, and was originally intended to apply only to juvenile court statistics, but the principles laid down are so broad that the Committee believe them to be equally applicable to other types of courts and present them accordingly, under the more inclusive title.

STATEMENT OF THE PURPOSES OF JUVENILE AND OTHER SOCIAL COURT STATISTICS

1. To furnish an index of the general nature and extent of the problems which are brought before the court officially and unofficially.

2. To show the extent and kinds of service given by the court in such a way that significant trends in methods of treatment and important facts with reference to scope and volume of work may be brought out.

The information comprised under 1 and 2 constitutes a minimum that should be gathered by all courts on a uniform basis and cast in such form that it may be comparable from year to year for the same court, for different areas and for the country at large.

3. To point out significant factors which contribute to the causation of problems that come before the court in such a way as to throw light on possibilities of correction and prevention.

4. To show the extent to which service given by the court has been effective in correcting social problems, according to some definite measure of what constitutes success or failure, to the end that possibilities and limitations of methods may be revealed and necessary changes or re-enforcements indicated.

Studies bearing upon points 3 and 4 involve the keeping of adequate case records. Such studies can be undertaken with profit only when facilities for research are available. They may not be wholly statistical in character and yet they may rest upon statistics. They may differ from year to year in their nature and scope and may even be largely local in their application.

Let us see exactly what this statement means in terms of such statistical information as might be presented by any juvenile court in its annual report. The general nature and extent of the problems brought before the court would be indicated by tables showing the total number of cases dealt with; the number of cases classified according to type, as delinquent, dependent, neglected, feeble-minded, adult; sex, age, residence, and nationality; offenses; causes of complaint in cases of dependency or neglect; and the like. The presentation of facts as to the parental condition of the child, the employment or non-employment of the mother, the number of previous appearances in court of the child, and the results of physical or mental tests add further detail which it is also desirable to have.

The extent and kind of service rendered are revealed by presentations showing disposition of cases, the number of cases given physical or mental examinations or treatment, and the like. Significant trends in methods of treatment are also indicated by certain of the presentations. The appearance of the term "mothers' pension", for instance, in the classification of types of cases brought to the court, shows a trend in the treatment of dependent children unknown a few years ago.

If such presentations are fully and accurately developed they show, as far as figures can, exactly what comes to the court and exactly what the court does with it. For administrative purposes if for no other reason, every court should be prepared to make this sort of accounting at least once a year. It is most important, as has been pointed out, that different courts base their statistics upon the same

accurately defined units so that the facts may be comparable city to city, and state to state.

These presentations and others of the same general nature form indispensable bases for further studies dealing with the causes of delinquency and dependency and with the success or failure of the court to correct the social problems presented to it. But they depend upon the keeping of adequate case records and require facilities for research if they are to be effectively carried out. If the juvenile court is to be in any sense a community index, it must provide for the analysis of its statistics and their interpretation to the public. However, the responsibility for carrying on research need not, and probably should not, devolve upon the probation staff. Distinct advantages derive from having such studies made by a properly qualified person or organization wholly unconnected with the court. Such a person presumably brings a fresh viewpoint; is free from any suggestion of personal bias; cannot be placed in the dangerous position of seeming to criticise fellow-workers in the court or in the community; has more leisure and is less liable to the errors which arise from hurry; and has received training which fits him for research. Here is one field for volunteer service of the right sort, and it is probable that our towns and cities possess more individuals qualified and willing to give this help than the courts realize.

This much is clear. Unless constructive use is made of the information which comes to its doors the court falls far short of its duty and its opportunity as an agency for social reform. Undoubtedly this conviction played its part in leading those who framed the juvenile court legislation of the country to put into the laws themselves provisions requiring the keeping of records and the making of reports.

Legal Basis of Statistical Work

Fortunately for the purposes of this Committee nearly all juvenile courts are legally bound to keep records of the work they do and many of them have to report on it at intervals to some supervising body or individual. According to the Children's Bureau

summary of juvenile court legislation*, all the states but five — Georgia, Maine, South Carolina, Texas, and Wyoming—require a separate juvenile record. Too frequently in practice these records are confined to the legal papers and no attention is paid to the recording of social data, but without such a requirement in the law the scanty statistics which we have would doubtless be even scantier and less well organized.

"The juvenile court," says the Children's Bureau," is required to report periodically to some other authority in Arkansas, California, Colorado, Delaware, Idaho, Kansas, Kentucky, Louisiana, Iowa, Michigan, Montana, Nebraska, New Hampshire, Oklahoma, Utah, Virginia, West Virginia, New York City, and Buffalo, N. Y. These reports are annual except in Nebraska, New Hampshire, and Utah, where they are made monthly. They usually contain the number and the disposition of children dealt with and 'other useful information' which may be required. Reports are made to the governor of the state in Arkansas, Idaho, Kansas, and Kentucky; to the state board of charities in California, Colorado, Louisiana, Michigan, Nebraska, New Hampshire, and Virginia; to the commissioner of charities and corrections in Oklahoma; to the state board of control in Iowa; to the county board in California and Colorado; to the county commissioners in West Virginia; to the court of general sessions in Delaware; to the juvenile court commission in Utah; to the common council in Buffalo, N. Y.; and to the secretary of state, the mayor, the comptroller, and the board of aldermen in New York City."

In these legal provisions lies the chief hope of the future so far as the statistical work of the courts is concerned, for those supervising bodies which require reports have usually the power to determine the items about which they desire to secure information and their report blanks may well serve as bases for the tabulations in the annual reports of the juvenile courts under their jurisdiction. This does not mean that no court should compile other statistical information if it so desires, but it makes possible the establishment of

*A Summary of Juvenile Court Legislation in the United States. U. S. Children's Bureau Publication No. 70, pages 67, 68.

minimum standards to which all courts may conform. Without it, it is impossible to compute the totals for an entire state. Further, a state agency sets a uniform statistical year for the local courts and must, in its instructions to them, define terms and tell them how and when to enter certain items on the blanks sent out. This makes for uniformity within the state and affords a channel through which to work toward uniformity between states on a national basis, a task which would be almost impossible if each small court had to be separately approached.

Statistical Work of State Supervising Bodies

The statement which follows describes the part played by state supervising commissions or departments in the securing of statistical reports from courts and probation officers. It was prepared for this report by Mr. Charles L. Chute, ex-officio member of this Committee.

Sixteen states have departments or bureaus among whose duties are those of assisting in the development of juvenile courts and probation work generally. In but three of these states are there independent state probation commissions or departments whose sole duty is the supervision of probation work. In most of the other states, this work is done with varying degrees of efficiency by public welfare departments or child welfare bureaus.

A letter requesting full information from these departments as to their collection of statistics from courts and probation officers, with samples of blanks used, brought the following information:

Alabama. The Child Welfare Department requires monthly reports from all juvenile courts. Blanks are sent to all courts, calling for the names of children, the charge, disposition, sex, color, age, school-grade, and previous arrests. Separate reports on adult contributory cases, desertion, and adoptions handled in juvenile and probate courts, are required. These statistics have not been published.

Arkansas. The Commission on Charities and Correction, through a special Supervisor of Juvenile Courts, requires monthly reports from all courts. They state, however, that only the courts in the two largest cities have so far sent their reports in regularly. Statistics are published annually. The Commission furnishes sample court papers and case history blanks to all courts.

Connecticut. There are now two departments supervising probation in this state. The Bureau of Child Welfare requires a monthly statistical report from all juvenile probation officers. This asks for the number of cases on probation, charges, results, investigations, home visits, etc. It is similar to the statistical report of the New York State Probation Commission. Sample case history blanks are also furnished to the juvenile probation officers.

The Connecticut Prison Association requires a quarterly statistical report from adult probation officers. This asks for the number of cases, offenses and results, also monies collected. The statistics are published in the annual report of the Association.

Georgia. The State Department of Public Welfare reports that it has not yet required reports or statistics from courts, although it is actively interested in developing juvenile courts and probation work. It furnishes sample court and case history blanks at cost.

Indiana. The State Probation Department requests monthly reports from all probation officers, but has no way of compelling returns. A general statistical report is required from each chief probation officer, the forms used being modeled on the New York State blank. In addition, a monthly report from each individual probation officer, giving details of each case handled during the month, is requested. The cases are cited by number rather than by name. The information secured is published in the annual report of the Department.

Massachusetts. The Commission on Probation requires a monthly statistical report from all probation officers, showing the offense, age, and results in all probation cases. From courts in Boston and adjoining cities, a daily individual report on each criminal case disposed of is required. In this way, the Commission conducts an up-to-the-minute clearing house for all criminal and juvenile records in the courts surveyed. The information on probation is published in the annual report of the Commission. Case history blanks are prescribed by the Commission.

Missouri. The State Board of Charities and Corrections requires a quarterly statistical report from the chief probation officer of the juvenile court in each county, showing the disposition of court cases, the work of the probation office, and children in institutions. Children are classified only as delinquent and neglected.

New York. The State Probation Commission requires a monthly statistical report from every probation officer in the State, showing the number and facts regarding the cases placed on and released from probation.

North Carolina. The State Board of Charities and Public Welfare requires monthly reports from all probation officers serving juvenile courts.

Oregon. The Child Welfare Commission secures a biennial statistical report from all juvenile courts.

Pennsylvania. The Bureau of Children of the Department of Public Welfare visits and assists juvenile courts. As yet it has no system of securing reports or statistics of their work.

Rhode Island. The State Probation Officer, who serves under the State Penal and Charitable Commission, has not required regular reports from probation officers serving under him throughout the state, but expects to establish such a system shortly.

Utah. The State Juvenile Court Commission requires a monthly report made jointly by the judge and chief probation officer in every juvenile court district. The report calls for details regarding the of-

fenses, ages, and dispositions of children and adults handled; also, nativity of parents and previous offenses. The information is published in the biennial report of the Commission.

Virginia. The State Board of Public Welfare, which supervises probation work, has established no system of collecting statistics, as yet.

Vermont. The State Board of Charities and Probation requires monthly statistical reports from all probation officers.

Wisconsin. The State Probation Officer, serving under the State Board of Control, supervises only adult probation work in the higher courts. No statistics of the work of other probation officers are secured.

In addition to the above, state boards of public welfare or charities secure annual statistical reports from probation officers in the States of California, Colorado, Michigan, and New Hampshire. The statistics obtained are published in the annual reports of these departments.

Statistical Work in Selected Courts

As a first step in its study of the statistical methods in use by selected courts, the Committee requested copies of annual reports from the juvenile courts in the 68 cities having a population of 100,000 or over. Replies were received from 43 courts. Of these, seven sent separately published annual reports. They were: Buffalo, Chicago, New York City, Philadelphia, Rochester, St. Paul, and Seattle. Youngstown, Ohio, reported that an annual report had been published but that the supply was exhausted. Newark and Jersey City sent reports of juvenile probation work bound together with the annual report of adult probation work. Reading (Berks County, Pennsylvania) sent a report of juvenile probation work included in the annual report of the county comptroller.

Nineteen cities reported that they did not publish annual reports. They were: Albany, Baltimore, Boston, Bridgeport, Cincinnati, Denver, Des Moines, Fall River, Grand Rapids, Hartford, Houston, Minneapolis, New Bedford, Providence, San Francisco, Spokane, Springfield (Mass.), Toledo, and Washington, D. C. Denver states that it is preparing to publish a special report covering the twenty-five years' service of Judge Ben B. Lindsay which will include statistical information. Nine additional cities which do not publish annual reports sent typewritten copies of the statistical information which is compiled annually. They were: Birmingham, Cleveland, Dayton, Kansas City, Louisville, Los Angeles, Milwaukee, Oakland, and Scranton. A sample of the monthly statistical reports from

which the annual reports are compiled came from Cincinnati; and three cities, Columbus, Indianapolis, and Trenton, which did not send reports, stated that statistics were compiled on an annual basis and were available for consultation in the offices of the chief probation officers.

From 25 of the 68 cities to which the questionnaire was sent, no reply had been received prior to the making of this report.

An analysis of the statistical information included in the reports already received is now under way but work has not progressed far enough to be reported on at this time.

In connection with this study, an effort was made to learn exactly what personnel was employed by these courts in the compilation of their statistics and just what methods they followed.

The returns from this study are as yet too incomplete to be of value, but so far as we have been able to learn, from these and other sources of information, the Municipal Court of Philadelphia is the only one in the country to employ a statistician of recognized professional standing. Since this was true, the Committee requested Mr. Frank S. Drown, head of the Statistical Department of the Philadelphia Municipal Court, to prepare for this report a detailed description of the processes followed in converting the raw material from sources into the finished statistical presentations which make the annual report from Philadelphia so valuable a document.*

Outstanding Difficulties in the Present Situation

It is interesting to see how little the present situation, so far as juvenile court statistics are concerned, differs from that which existed ten years ago. In 1918 another committee reporting to the National Probation Association** said: "There are several reasons why juvenile courts have not been statistically studied and have not themselves given out results of value. They are:

1. Because children's courts are new, their methods experi-

*This statement which the Committee believes to be a real contribution to the literature of the subject was of necessity too long for inclusion in this report but may be consulted upon application to the National Probation Association.

**Unpublished report made to the National Probation Association in 1913 and quoted by Dr. Thomas D. Elliot in "The Juvenile Court and the Community," pages 203, 204.

mental, and their records irregular, incomplete, and without definite form.

2. Because, under a constant pressure of work, statistics and records are neglected or held to be non-essential.

3. Because annual reports are not compiled by persons of experience and are therefore so faulty, from a statistical standpoint, that as yet only a few conform to the most elementary statistical principles.

4. Because statisticians must depend on the records which are usually of little statistical value."

Only the first of these statements would need modification to make it true of 1923. The juvenile court movement in the United States attains its 25th birthday this year. It can hardly any longer be called new as we measure the life of social movements, and its methods though far from standardized, have certainly passed the experimental stage. But although the record-keeping of the best juvenile courts compares favorably with that of the best child-caring agencies it is yet painfully true that for the country as a whole the words "irregular, incomplete, and without definite form" are just as applicable to the statistical work of our juvenile courts today as they were ten years ago.

Certainly the Children's Bureau in its exhaustive study made five years after the report just quoted found things little better. Questionnaires sent to 2,391 courts handling children's cases brought replies from 2,034 or 85 per cent., but in 1,601 or two-thirds of the entire number, differences in the methods of reporting statistics made it impossible to determine how many children had appeared before the court during the preceding year. In 11,829 cases it was impossible to tell whether the children should be classified as delinquent, dependent, or neglected. "From one court which served the largest city of its state it was reported that the clerk had entered only four cases on the juvenile docket in two years; all other children's cases had been entered on the regular criminal docket, and since their ages had not

always been noted the clerk had to depend upon his memory to determine which cases were those of children.”*

In reply to the Bureau's request for copies of annual reports, 232 reports were received. Thirty-one courts submitted separately published reports of the work of the court as a whole or of the probation work, and 118 courts sent reports incorporated in the report of the state board of a city or town. The remainder sent typewritten reports or reports which had been published in local newspapers.** This means that in 1918 only about one court in ten made a practice of compiling statistics for the purposes of an annual report. With the recent increase in number of state supervising bodies which have the power to require reports from juvenile courts the number has doubtless somewhat increased.

But it is not of so much importance that the number of courts publishing statistical reports should be increased as that methods of planning, assembling, and analyzing court statistics should show a very material improvement. In 1918 the Children's Bureau's agents found the lack of uniformity so great that the statistical data available in juvenile courts were worthless for purposes of comparison. "In the first place," says the report, "there is wide difference in definition, both in laws and in court usage,—for example, truants are sometimes included as delinquents, sometimes are classified separately; the definition of the term 'dependent children' varies—sometimes it includes also neglected cases, sometimes also mothers' pension cases. In some states dependent children do not come before the court or they come before a court other than that which hears cases of delinquency. A few courts call all children who are brought before them 'wards of the court' and do not classify their records to show causes which brought the children into court. In the second place, courts arrive at their totals in different ways. Some count the complaints entered, others, the petitions or warrants taken out, and others, the numbers of hearings, excluding all those settled out of court or never brought to trial. A few courts report only the number of commitments and the

* Courts in the United States Hearing Children's Cases. U. S. Children's Bureau Publication No. 65, p. 59.

**Op. cit. p. 61.

figures vary still further in that, whatever the basis, some totals refer to the number of cases and others to the number of children concerned."*

Study of the reports sent to the Committee on Records and Statistics this year shows that these and other difficulties still exist. The statistical year is not always the calendar year and it may vary even for different parts of the same court. One report reached us in which the figures on disposition ran from June 15 to June 15, the report on monies collected by the clerk of the court from July 1 to July 1, the figures on the mothers' pension cases from June 1 to June 1, and the detention home figures from June 30 to June 30. The juvenile court of San Francisco is in a peculiar predicament. It operates under both the State Juvenile Court Act and the ordinances of the City and County of San Francisco. The statute calls for the compilation of data for the calendar year, while the ordinances direct their compilation by the fiscal year, which is in force for the other departments of the city and county government. The court follows the ordinances.

Courts vary widely in their statistical treatment of continued cases and subsequent orders of the court. Some count violation of probation as a new charge, others consider such cases merely rehearings. There are differences also among the courts in their units of measurement. The Philadelphia court makes this unit the number of cases disposed of. Others count the number of children brought before the court or the number of children dealt with.

Some cities list the offenses of delinquent children according to the charge made in the petition; others according to the real offense as it develops at the court hearing. Usually probation is classified as a final disposition but some persons consider that a final disposition is not reached until the child is discharged from probation.

So far your Committee has been able to reach only tentative conclusions which may have to be considerably revised as the study progresses. They are here presented not as final but in the hope of eliciting helpful criticism.

Variations in statistical method among juvenile courts seem to

* Op. cit. p. 60.

center about four main points of departure; differences in the statistical year, differences in the statistical unit, differences in the classification of causes which bring children before the courts, and differences in the classification of the dispositions made by the courts.

In courts where the statistical year is fixed by law as other than the calendar year, only a change in the law will help the situation for it is unreasonable to expect any court to prepare two comprehensive statistical reports in one year. As long ago as 1881, the Official Statistics Committee appointed by the British government expressed the opinion that for all official statistics except those connected with public finance, the *calendar* year should be the only year admissible. This conclusion has been widely published and is generally followed, not only in Great Britain and Ireland but on the continent, in Australia, and in many parts of the United States. The advantages to be gained from national and international comparability of social statistics are great enough to warrant such legislative changes as may be needed.

The other variations, your Committee believes, are also capable of adjustment. Many of them hinge upon differences in legal procedure and definition among our 48 states. The actual situations dealt with do not vary greatly but the names given to them do. It is time to apply to terminology as well as to procedure the generally accepted theory that the juvenile court should be freed of all unnecessary legal formalities. To a certain extent this has already been done. We speak of delinquents and not of criminals; of adjudications and not of convictions. But when it comes to a classification of offense charges, most courts are still lost in a maze of petty larcenies, grand larcenies, robberies, house-breakings, unlawful entries, trespasses, and the like; and the definitions of these terms are not the same in all states. Why not call them all "theft" and get back to fundamentals? Similarly, some such terms as "sex-offender" could properly be used to indicate the condition now frequently concealed under such classifications as disorderly conduct, incorrigibility, vagrancy, or immorality.

In order to arrive at any uniformity in handling such a common-sense classification of offenses a small handbook is needed to outline the suggested scheme of classification and to list alphabetically

all possible legal charges under the heading according to which they should be classified. The preparation of such a handbook, to include also other classifications and definitions of terms, your Committee believes would meet one of the greatest needs in the field of probation statistics. To make such a handbook really representative of changing conditions and changing opinion it should be subject to at least annual revision by a group representing probation officers, judges, state supervising agencies, and those familiar with the field of social statistics; and certain members of this group should be willing to serve in an advisory capacity to courts requesting information on specific problems of a statistical nature.

Recently there came to the Chairman of this Committee a copy of a ruling which had just been made by the statistician of the Philadelphia Municipal Court on the classifications to be followed in tabulating an unusually complicated court order, which covered the disposition of a large group of children. If this ruling could have been mimeographed and sent out to the persons responsible for the statistical work in other courts, any one of whom might at any moment face a similar problem of classification, one of two things would probably have happened: either the ruling of the Philadelphia Court would have been accepted as satisfactory and have been filed away for reference, to be followed should a similar situation arise, or a letter would have come to the Chairman, saying, "I disagree with this ruling because—" and the reasons would have followed. In the latter case the whole question would have been opened again for discussion and an effort would have been made to arrive at a method of handling the classifications which would have been acceptable to all concerned. Sooner or later it is probable that a method of classification could have been found which everyone would have agreed to follow and uniformity of method, so far as that one item was concerned, would have been achieved.

If the Children's Bureau plan for compiling statistics from juvenile courts goes into effect, the Bureau will doubtless be in a position to issue just this sort of handbook and to serve in this advisory capacity. If for any reason their plan is delayed or is not put into effect, the National Probation Association possibly acting through the

Committee on Records and Statistics would logically be the agency to develop such an undertaking. In any event, the Committee could and should undertake to serve the adult probation field in some such way.

Training for Statistical Work in Courts

But no amount of outside help, whether it contents itself with advising on the actual compilation of figures for annual reports or goes farther and drafts record blanks for the original records, can relieve the local court organization from assuming the largest degree of responsibility for the quality of its statistical work. Miss Edith Abbott, speaking at Providence last year, pointed out this fact when she said: "The standardization of juvenile court statistics so much needed and, I fear, so little hoped for, will make little progress until courses in statistics which provide laboratory work are required of all those who are preparing for probation work."

At the same meeting Dr. John E. Hagerty, speaking of the training courses for probation officers given by the Ohio State University, emphasized the fact that all students are required to take a three-hour course in social statistics throughout the year.

Your Committee believes that the necessity of providing statistical training for probation officers has not been sufficiently recognized. It considers such training of the greatest value as giving an intelligent understanding of the methods and values of statistical work. But it wishes to guard against anyone's concluding that the statistical training offered in a university or a school of social work to prospective probation officers would fit them to plan and install complete systems for gathering court statistics.

The Committee sent letters asking for suggestions as to the type of statistical training desirable for (a) all probation officers, and (b) court statisticians or consultants, — to Miss Edith Abbott of the University of Chicago, Miss Kate Holladay Claghorn of the New York School of Social Work, and Miss Mary Louise Mark of Ohio State University. Each has had practical experience in statistical work in addition to advanced professional training, is thoroughly familiar with the field of court statistics, and is teaching statistical courses in schools to which probation officers go for training. Replies

were received from Miss Mark and Miss Claghorn which, with their permission, we reproduce practically in full. Miss Mark writes:

"My course in principles of statistics is primarily a course in method, but the materials used are from social statistics. The students are given field work and laboratory work in addition to the usual recitations. They have practice in using schedules in the field and later in editing and tabulating the same schedules and writing descriptive text for the study. Still later they are required to make schedule forms and to plan studies including whole sets of schedules. They are given the usual laboratory work on averages, dispersions, and simple curves and other graphs. In addition, I attempt to cover with them by library assignments, text books, and discussions the field of population statistics, including vital statistics. I take this because it is better developed than other lines of social statistics, and is rich in illustrations of the problems and difficulties that underlie the practical application of statistical principles, as well as suggestive of lines of development that should be tried in other lines. Our study is critical and to some extent historical. I also attempt to give the students a simple and clear concept of index numbers, drawing in this instance from price statistics, because the device is important in industrial statistics.

"You see the aim of the course is to give a general knowledge of method and a discriminating attitude towards published figures that can be applied in any line of social statistics. But we do not use illustrative material from criminal statistics to any extent because the subject is still so undeveloped.

"May I answer your question directly now? I do not think that this course is sufficient preparation to qualify a student for planning and installing a set of records in a court. I do not think that complete preparation for such a task can be made in college by any course or combination of courses. Still less can a student be prepared in college to act as consulting statistician. The same limitations operate to prevent the colleges from turning out consulting engineers or physicians. A college course reveals the apt students, those with statistical ability worthy of further training. It does not make a skilled worker. It is impossible to require of a student with several courses the time and concentrated effort necessary to an adequate experience of the principles he learns. We can only hope that our courses will illuminate the field of statistics and tempt the student to explore further. Experience is as necessary in this field as in others. Before an apt student can make a set of schedules with a sure touch, he should have made and tried out a half dozen other sets. And before he can make a set that will be satisfactory in a given office, he must know the organization, personnel, and proceedings involved, as well as the general problems in the field in which the study is made.

"I do not believe that the better students could make much more satisfactory sets of forms for statistical use than we now have in many states. But in so different a field as delinquency the best is none too good, and if a particularly able graduate student were to ask me how to

prepare for such a task, I should advise him to do two things. First, to get a year or two of varied experience in the field and office with some first class statistical bureau. Second, to work in a court, preferably as a probation officer, till he knew the particular problems of the field.

"Of course if a satisfactory experience could be provided for students in a state department with high standards and facilities for training in this field this would be the thing to recommend."

Miss Claghorn presents her conclusions under two headings:

"A) Training for the Probation Officer.

"The very basis of the work of a probation officer is a knowledge of the nature and character of his clients, and of the circumstances combined with character which have led them into the particular situations in which they are found. It is necessary that the probation officer should know what facts are significant in a given human situation, how far it is possible to obtain them, how they can best be secured, and how they should be arranged after collection so as to make the clearest and truest impression. He needs, in short, to have training in some of the fundamental processes of social research. A course of training for him might cover such topics as these:

"1. Schedule making: Under this heading would come a consideration of the general kinds of facts wanted in a study of persons, how these questions should be framed in order to secure the greatest accuracy, how they should be arranged in schedule form. The student should actually plan such a schedule, drawing up the questions and arranging them himself, and also drawing up instructions relative to the meaning of each question and the method to be followed in recording the information. The probation officer may never be called upon to prepare such schedules, in actual practice. He may always be given a standard blank form with which to work, or he may not be required to use any form at all. But the preparation of a schedule for himself will make the significance of a schedule he is using, or the scope of the questioning he carries on without a schedule, much clearer to him than just a discussion of something already prepared.

"2. Methods of collecting material from schedules. In especial, this would mean the preparation of statistical tables. Through statistical tables the probation officer should get an idea of the general bearings of his work, of the difference between an individual case and a general situation. Here again, the probation officer may never be called upon to prepare statistical tables himself. But trying to prepare them will give him a better understanding of statistical tables already prepared. And again, someone may wish to use the material he collects for statistical tabulation, and if he understands what is involved in the process, the material that he collects will be better adapted for that purpose.

"3. Simple methods of analysis of statistical material. This would include the selection of material from general tables for the making of brief, selected tables, intended to make the salient points of the subject

stand out very clearly, the preparation of sample ratios (percentages and rates) and graphic illustrations. These things also the probation officer may never be asked to do in practice. The effective probation officer, however, should have some idea of the general bearings of the social problem he is working on, and for this reason should be able to understand and use the statistical material he will find in the reports of courts, of the United States Census, and other publications. To the average reader, statistical reports are often unintelligible and sometimes misleading, and the probation officer needs to be taught how to use them readily.

"4. Study of investigations already made. A report like those issued by the Children's Bureau may be taken up and studied through all the stages suggested for practical work, considering the plan and purpose of the investigation, the methods used in collecting the information and the methods used in analyzing the results.

"A study of this sort may well be carried on side by side with the practical work of schedule making and tabulation. If, however, time is limited, it had better be devoted to work done by the students themselves, rather than to the consideration of work done by other people.

"In my experience as a teacher I have found that it is very difficult to get students to realize printed reports as anything real or interesting, unless they come to them after trying to work out something of their own.

"B) Training for the Statistical Officer.

"The officer in charge of a statistical office in which the records of courts and probation officers are centralized, should have the training already outlined for the probation officer, and, in addition, a training in more refined methods of statistical analysis. He should understand the use of such methods of analysis as different forms of statistical averages, measurements of dispersion, measurements of trend and of correlation, presentation of results in appropriate and effective graphic form.

"He should also have training in the writing of explanatory text, to make still more clear to the reader the meaning of the statistical tables.

"Very important for such an officer would be practical experience in the work which affords the subject matter for his statistics. Often a statistician thoroughly trained in the technical methods of statistics is found unsatisfactory in dealing with the facts gathered in social research, because he does not see the bearings of the facts on the special questions involved, and does not realize the limitations of the statistical process in that particular line of inquiry.

"It would add much to the effectiveness of the statistical officer, then, if he could have a period of practical work as a probation officer so that he could appreciate the significance of the concrete unit he is trying to measure—the person under probation, as a complex which the statistical method can analyze only in limited degree."

Miss Abbott's opinion, as elsewhere stated, coincides with that of

Miss Mark and Miss Claghorn in emphasizing the need of practical experience plus professional training for the statistical officer and the desirability of giving to all probation officers such statistical courses as would fit them to keep records well and to understand and utilize the statistical work of others.

Methods of Securing Trained Service

The one thought which has probably been running through your minds as you have listened to the reading of the last section of this report has been: "That is all very well—but where is the money coming from to get *me* in *my* court help of this sort?" Even if you represent a large city where the volume of work would justify the employment of a trained statistician, you are probably fighting hard for every addition of your staff and you feel that it might take years to convince your appropriating board that it is better economy to hire a trained person for the human bookkeeping of your office, than to take either a probation officer or a stenographer away from work which they are trained to do. If you represent a smaller court where no clerical service at all is provided, the practical difficulties confronting you are even more serious.

This Committee cannot pretend to offer a solution which will fit all courts. It can only point out certain sources which any court really desirous of improving its statistical work may consult with a reasonable expectation of getting suggestions of practical value.

1. The Federal Children's Bureau is directly interested in juvenile court statistics, partly because of their bearing on the problems of the child in need of special care, and partly because if properly compiled they should be one of the best indices to the general child welfare situation in any given city or state. Agents of the Bureau have made several notable studies in the juvenile court field, each one of which has revealed appalling lacks in the statistical information which every court handling children should have. They have found at the same time, among most of the courts, a very genuine desire to improve the quality of their statistical work.

In response to this desire and many requests for help, the

Bureau has under consideration plans for attempting to gather annually certain information of a statistical nature from those juvenile courts which are willing to cooperate. It is probable that the carrying out of this plan along the lines contemplated would necessitate the Bureau's printing statistical blanks and sending a representative in person to the cooperating courts to assist in their installation. Should this happen, the Bureau would soon know more than any other agency about the practical difficulties which face court statisticians, and this knowledge would naturally be at the service of any court in the country.

But whether or not this particular plan goes into effect, the Bureau is always available in an advisory capacity and its advice is peculiarly valuable because the work of its agents keeps it constantly informed of the most recent developments and successful demonstrations in the statistical as in other fields, both in this country and abroad.

2. Sixteen states now have departments or commissions directly charged with the duty of supervising juvenile courts or collecting statistics from them and the helpfulness of these bodies is not necessarily limited by state boundaries. The New York State Probation Commission, for example, frequently mails publications, writes letters of advice, and occasionally sends speakers on request to towns outside the limit of its own state. The ideal, of course, is to have supervising bodies in every state. They are probably the best source of help for individual courts, providing they have on their staff, either as a full time employee or as a consultant, someone with an actual working knowledge of court statistics.
3. The work of the National Probation Association is unfortunately limited by the fact that its secretary is only mortal—and can be in only one place at a time. Could the funds be forthcoming to employ the field staff which is so greatly needed, the assistance in planning statistical forms which

the Association now gives to the limit of its strength, both by letter and in person, could be greatly expanded.

Aside from furnishing direct help of this sort, the Association also works for improvements in legislation such as the creation of state probation commissions, increased appropriations for court expenses, and the like—all of which means eventually better records and statistics.

4. The Child Welfare League of America, a private organization of which Mr. C. C. Carstens is director, made a definite contribution to the organization of statistical work in juvenile courts when, at the request of the North Carolina State Board of Charities and Public Welfare, the secretary of the League, Miss Georgia Ralph, was sent to draft record-forms and report-blanks for the use of the Board in compiling annual statistics from the county superintendents of public welfare who in North Carolina usually serve also as county probation officers. This is not the primary purpose of the League but what it has once done to meet an emergency which no other organization was staffed to meet, it might conceivably do again.
5. In cities where the volume of business of the court does not warrant the employment of a full-time statistical officer, it might be possible for the court to employ a statistical expert jointly with other social agencies. The position of community statistician has never, so far as we know, been established under that name, but community chests and welfare federations might well consider such a move if they were urged to do so. The Detroit Juvenile Court was able, some years ago, to secure a very interesting and valuable study of the families under care of its pension department by a statistician attached to the staff of the family welfare agency of that city.
6. The possibilities of help concealed in the statistical departments of universities, colleges, and training schools for social work have hardly been tapped by the courts of the country. Why should not the juvenile court located in the same town

with a state university ask the instructor in social statistics to take the local court records as the basis of a statistical project for his students? Why not utilize student power, but always under competent direction, to relieve the probation staff of the burden of getting up the figures for the annual report? It might be a good thing for the students and a good thing for the court.

Recommendations

The Committee on Records and Statistics desires at this time to present only three recommendations to the National Probation Association:

(1)

The Committee recommends that the National Probation Association place itself on record as urging: increased attention to the whole question of statistical method in courts where probation is used; increased appreciation of the fundamental worth of statistics as a measure of tendencies, progress and results; increased emphasis upon the value of statistical courses in the training of all probation officers; and increased insistence upon special professional training for court statisticians or consulting statisticians attached to state supervising bodies.

(2)

The Committee recommends that the National Probation Association endorse the Children's Bureau's plan of gathering annually certain information of a statistical nature from courts willing to cooperate as leading toward a greater uniformity in method and content of juvenile court statistics than seems possible of attainment by any other plan yet suggested.

(3)

The Committee recommends that it be continued for another year with power to add to its membership.

Respectfully submitted,
MABEL BROWN ELLIS
Chairman.

PROBATION WORK AND CHARACTER BUILDING

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Work and play and with them many of the other educative activities traditionally associated with the home have, since the industrial revolution, been progressively passing out of the home. The educative forces which mold the growing child were formerly centered mainly in the parent. They are now being more and more wielded by non-parental educators. There are now many cooks preparing the broth, and not only is there much lack of team work among the chefs but there is also much estrangement and misunderstanding. The newest of the cooks, the social worker, has gotten a good measure of criticism from the three older cooks, and in turn has not been shy about voicing his own criticism of them and of their work. Mutual criticism is of course helpful, but mutual understanding is still more so.

In reality all four educative agencies, home, church, school, and social work, are, each in its own way, engaged in a common task of fitting human beings, particularly the young, to become worthwhile members of the commonwealth of man and the commonwealth of God. Their common task is at heart one of character building. The purpose of the present paper is to outline roughly some of the broad lines along which this task must be carried out.

Three elements in the character building process stand out prominently,—leadership, ideals, and the raw human material. Our current practice and literature are seemingly throwing the major emphasis upon the third element. To many of us it appears that we are perhaps under-rating or skimping the other two elements. We shall touch upon each of the three elements in turn.

1. The raw material out of which character is built is composed basically of all the impulses, hungers, cravings and drives in our psychological make-up. How far these impulses and cravings are the

product of psychic inheritance and how far the product of social inheritance is a question that probably concerns the psychologist and sociologist more deeply than it concerns the educator. Waiving this at present keenly discussed issue, we may accept them for what they are, the raw material of character.

It would also carry us too far afield and be beside our purpose to analyze and classify these impulses and hungers and tendencies in detail. Among the many analyses and classifications in contemporary psychological, psychoanalytical, and sociological literature, those of McDougall or Galloway are perhaps as convenient and valuable for educational purposes as any other. We need only call attention to the special importance from the constructive educational standpoint of the parental and kindred impulses and of the craving for social approval.

What concerns us more particularly here is the fact that these impulses and hungers are molding forces in character making. They are not only the raw material of character. They are the white coal that drives the turbines of human life and action. They are both the Ford and the gasoline.

Their products however are of equal value, judged from the viewpoint of human welfare. These products may be socially desirable or socially undesirable. It is the purpose of character education to check or re-canalize anti-social behavior tendencies and to stimulate and feed social ones. Character is therefore built up out of the raw material of instincts, impulses, desires, and hungers by the threefold process of inhibition, substitution, and alimention. We are avoiding the use of the term sublimation, partly because of the ambiguity its several actual meanings involve and partly because it seems to us that what is commonly called sublimation can in all or nearly all cases be further analyzed into substitution or alimention or both.

The three processes may be carried out by playing one set of impulses or hungers against another, or they may be carried out through the medium of consciously accepted and followed ideals. This brings us to the second great element in character building.

2. Ideals may be of two kinds. They may be merely admitted

ideals or they may be accepted ideals. The second story man may admit whole-heartedly an ideal of honesty that is diametrically opposed to his burglarizing habits, but he does not accept this ideal as his own, as one to which he is loyal in actual life. Ethical instruction may succeed perfectly in instilling admitted ideals, but may at the same time fail utterly to train to living acceptance of these ideals.

In the educative process of getting ideals both admitted and accepted, many educative agencies must concur. May we say, in this connection, a special word regarding the function of religion in this field? Religion is frequently looked upon as an institution concerned only with man's relation to the supramundane world or purely with emotional as distinct from conative activities, while religious beliefs and convictions are often considered as superfluous impedimenta on the voyage of life. But as a matter of fact, one of the main functions of religion and religious belief is not merely to uphold social ideals of conduct, not merely to get such ideals admitted, but above all to get such ideals actually accepted.

That religion does not attain one hundred per cent of success in its task is too much of a truism to need emphasis. That, however, it does succeed in large measure is equally clear to anyone having first hand acquaintance with the concrete facts^a of history and of everyday experience. It helps in the building up of ideals, in getting them admitted, and in getting them accepted personally. It helps in getting them accepted personally by integrating the other life-motives, by supplying its own religious motivation, and by providing numerous stimuli that turn admitted into accepted ideals of behavior. In this motivation and stimulation religious beliefs, religious faith, or, to use that very unpopular term, religious dogmas, play an important and integral part.

We are naturally not discussing the ultimate truth or validity of religious beliefs. We are here thinking of them from the exclusively educational standpoint. Take, for instance, the most fundamental of all dogmas or religious beliefs, the belief in a personal loving Deity. Such a belief gives the intellectual background for the sense of moral duty, of the moral imperative, of willing loyalty to a loved

supernal Lawgiver and Father, and in contributing to the sense of duty to and love for God, it contributes in the same measure to the sense of duty to and love for man. A corollary to the same belief, namely, the religious conviction of the omnipresence of God, the searcher of hearts who is never far from any of us and in whom we live and move and have our being, touches into action and builds upon the strong human craving for approval, for the belief drives home the sense of an ever-present invisible 'ideal spectator' who is a very real as well as an ideal one.

The whole subject of ideals could of course be amplified indefinitely. The purpose of this paper however is not to give a treatise on character education, but simply to recall rapidly the processes by which it works out in life, and to ask attention to some phases of these processes which are often lost sight of but which nevertheless have an intimate daily bearing on the social worker's problems.

3. We pass to the consideration of the third element in character building, the element of leadership or example. A few words will suffice. 'What you do and are speaks so loudly I cannot hear what you say.' The child or adolescent has an almost uncanny insight into the motives and behavior-standards of those with whom he comes into close contact, particularly with those who stand to him in the relation of educators. Even the slow-witted are fairly proficient in the game of sizing up adult conduct,—as nearly any intelligent parent will testify.

We expect high standards of character and behavior from parents, if they are to educate their children up to high standards of character and behavior. Shall we not expect the same high standards of character and behavior from the social worker in his basic role as character builder? And shall we not especially expect such standards from the probation officer? Call it leadership or call it by the old fashioned name of example, the social worker must exemplify in himself the loftiest ideals. He must be what he is trying to get his charges to be. He must live and exemplify in his own life the ideals which he is endeavoring to cultivate in the lives of his clients. Tact, resourcefulness, personality, mastery of technique,—

all these things and many more are required of the social worker, but none is required more imperatively than high character if he is to fulfill his function as a character builder.

For many years our schools for training in social work neglected the study of character education. Many of them still neglect it. Others still treat it cavalierly. Only here and there do we see indications that the study of personality and character training is being admitted to a place of honor at the very heart of the curriculum. May the day soon dawn when social work schools and social workers themselves will realize more vividly their primary task, and when home, church, school, and social work will arrive at a keener realization of the need of adequate team work in the accomplishment of their common task.

We should have preferred to have taken up some more concrete problem in the field of social or probation work, one that tempts less alluringly to excursions into the realm of generality and platitude. But it is perhaps worth our while from time to time to dwell a little on our broader task even at the risk of re-surveying already plotted areas.

A STUDY OF THE TREATMENT OF MISBEHAVING CHILDREN BY NON-COURT AGENCIES

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I. INTRODUCTION.

The present study grows out of a report prepared and presented a year ago before this association, on the unofficial treatment of quasi-delinquent children, especially by juvenile courts. Your committee on juvenile courts then recommended that further study be made, and a new committee on the relation of probation and juvenile court work to the educational system was appointed, with instructions to include the results of the study in its arrangements for this session.

The previous committee presented the following conclusions: "Your Committee wishes to point out that the doing of excellent service to children by excellent social workers is always desirable and meets hearty approval; but such success does not prove that the particular agency to which said workers are attached at the time is, in the long run, the agency upon which the responsibility for the particular children affected should fall. It may be that in a given city the scheme as worked out is satisfactory and will continue so for many years, but when it comes to new plans in new cities, or changes in the child-caring system of cities where schemes are already in operation, a vision of the possibilities of the most appropriate and socially economical division of labor in the common task of necessary social case work should help to prevent delay and friction in the establishment of more nearly ideal conditions. Unofficial probation may continue serviceable for many years to come; but it may also prove possible, and welcome, to turn over an increasing amount of the actual work now in this category, to visiting teachers, school clinics, bureaus, etc., equally or better equipped; leaving for probation officers the more difficult official cases."

It was recognized that, in many places, our educational systems lack as yet the necessary equipment or attitudes for adequate handling of behavior problems among children. At the same time, it was recognized that this is not, except in certain acute local conditions, a reason for opposing the movement in this direction. The mass of enlightened opinion declares increasingly that malbehavior is an educational, not a penal problem; and it should, if possible, be reached before the stage where the proper treatment can only be secured through compulsion (court order).

Aside from the general opinion among those who are recognized as authorities in these phases of child welfare work, the principle of leaving the field of pre-delinquency to the educational system can be tested in two ways:

- (1) by a priori argument, and
- (2) by demonstrated experiments.

(1) The former has been done elsewhere.* Suffice it to say here that it is socially wasteful and psychologically injurious for any treatment of behavior to be put into effect through a court proceeding when substantially the same treatment can be arranged for on a non-compulsory basis; and, the process being educational, the educational system is generally the appropriate locus for special services for such children. Dr. Deardorff states the keynote of the philosophy of such work in her description of the development of the White-Williams Foundation** as an aide in the educational system:

"With our compulsory system of education it has become acutely necessary to make the school fit the child."

If it is proved desirable that educational authorities assume educational responsibility for correctional and adjustment work, the present short comings of the educational system should challenge rather than discourage our advocacy of non-court work for pre-delinquents by educational agencies.

At this point let me pause to bring out what seems to me an important point for our attitudes toward the topic. I prefer to speak always in this connection of the "educational system", not of the "schools" or the "school system". "Schools" suggest the brick-and-mortar and the rows of desks and blackboards, and the regimented curriculum. This connotation is apt to produce unconsciously a prejudice against any proposal that delinquency be handled "by the schools". The educational system, however, is a far broader thing than the schools.***

An educational system, like an army, includes staff as well as line officers. The staff officers are far more specialized in function and more mobile in their activities. It is naturally among the specialized staff services of the educational system that we find the

*Cf. Elliot, Thomas D., *The Juvenile Court and the Community*, MacMillan, 1914; and recent articles.

**The White-Williams Foundation: *A Voyage of Discoveries*; Review, 1917-21, Philadelphia, 1922.

***Many educational agencies are not even organized under the superintendent of schools.

opportunities, the pioneers, and the demonstrated experiments in the direction of re-education for mal-behavior cases.

(2) The body of the present report will, it is hoped, show the extent to which successful experiments in behavior-work are already under way within the several educational systems.

Our study shows that a surprisingly large number of educational systems have developed more or less pre-court case work for behavior problem children. They have not waited for us actively to point the way. Elsewhere, conditions are backward, and the court should point the way. As Judge Hoffman once said so vigorously: "It is not possible to transfer the work of the juvenile court to the schools or to any other administrative agency until the juvenile court itself demonstrates to the public the necessity for such a transfer."

II. METHOD.

a. *Sources*: Cities of 100,000 or more population were listed for inquiry, with a few lesser towns in which work of this character had been reported. The inclusion of these smaller towns, where there is usually only one form of work for pre-delinquents being done, has, however, done injustice to the trends in larger cities.

Names of school officials, from the United States Bureau of Education Directory; names of social workers from personal knowledge, supplemented by that of leading child welfare workers, by the membership lists of the National Conference of Social Work and local directories; and additional names suggested or referred in the course of the inquiry, formed a list of approximately 455, representing 107 cities and towns, 32 states and the District of Columbia, well distributed.

b. *Approach*: It seemed impossible to secure any means to interview these persons personally. The limitations of the questionnaire method, of which the writer is painfully aware, were reduced as far as possible (1) by furnishing return postage; (2) by securing and checking-up replies from more than one person in nearly every city, so far as possible including an educator and a social worker in each city; (3) by further correspondence wherever an important

point was left in doubt by the first reply, and (4) above all by the interest and care of most of the respondents, which is hereby gratefully acknowledged.

c. *Scope*: The purpose of the inquiry might easily have been extended into a field which would have vaguely included any kind of group work or health work for boys and girls of any sort, on the theory that wholesome activities and sound health prevent delinquency. It might have included work for merely dependent, merely neglected, merely truant or merely backward children who showed as yet no other maladjustment.

To have included such work in the inquiry would, however, have taken us too far afield. General social work for normal children and non-court agencies for the truant, defective, dependent and neglected are already familiar, and are not relevant to our issue. The study has been confined, as strictly as the replies permit, to pre-court and non-court case work for re-education and rehabilitation of quasi-delinquent children.

Both educational authorities and private agencies were included in the inquiry, but it was not possible, in most cases, to follow up with further correspondence the hundreds of private agencies reported by other agencies to be doing more or less preventive case work. The main emphasis of the inquiry was on the more systematic work being done through the educational system.

d. *Definitions*:

By social case work I mean systematic efforts on the part of responsible persons to assist socially maladjusted individuals in securing and maintaining a normal standard and plane of social life. This is obviously an educational process.

By "pre-court" and "non-court" I describe such work as is done by agencies other than courts and probation officers without bringing the misbehavior before the latter, either formally or informally, for hearing, treatment, or supervision.

By "quasi-delinquents" I mean those whose behavior has shown tendencies more or less in conflict with accepted standards, but whose condition and circumstances do not at the time seem to

render it impossible to treat the case by persuasion rather than by compulsion. The laws may or may not have been violated in such cases.

e. *Schedules*: It was not to be expected that, in a pioneer field of this sort, methods of organization and specialized administration would be sufficiently standardized to permit statistics of case work to be collected, especially by correspondence. Still more impracticable would it be to attempt with such methods any but the most general sort of evaluation of the quality, or comparison of results, of the work done in the various communities.

At the same time it seemed possible and desirable to learn where, how long, how much, and how far these experiments have been taking place, together with increases or decreases in such activity. The schedules were worded with these questions in mind. It is realized that such words as "occasional," or "very common," are very vague, yet, in the present state of affairs, it was the best that could be done, for most answers. It is thought that, for practical purposes, the data thus secured from a greater number of places will be of interest and value in showing trends and in stimulating further inquiry.

f. *Tabulations*: The material gathered inevitably varies much from city to city. Aside from a few general figures, it seemed more significant to present the data city by city, under the respective heads, so that qualifying remarks might be retained, and that correspondence within our membership and perhaps among school-men might be stimulated.*

In securing dates, it proved difficult to discriminate between the date at which the agency or bureau was established, and the date at which said agency launched or drifted into the special work for behavior cases which is the subject of the inquiry. There are doubtless some inaccuracies on this point as a result.

Especially in the section on private agencies, it was difficult both in wording and in answering the schedule to avoid misunderstanding. Occasional answers on minor points were therefore

*These tables will probably be published elsewhere.

questioned by the compiler without either throwing them out or checking them up.

The assistance of Miss Mary Dempsey and Mr. Mark Chamberlin, students, is hereby acknowledged.

III. RESULTS.

a. *Gross results:*

Of approximately 455 persons in 107 cities, approximately 201 replied. These represent 82 communities,* 19 of which are west of the Mississippi and 14 of which are in the South. 69 of these cities, including all but the smaller towns, showed in 1919-20 an elementary public school enrollment aggregating 3,346,855, potentially served by the measures and agencies listed in this study. In all of the 85 communities in our tabulation, some work for the quasi-delinquents is carried on. It may be safely assumed that the remainder of the 107 cities have little or no such work. In 75 of these 85 such work is being carried on under official educational auspices; in 9 under private auspices only (one uncertain).

b. *Special tabulations:*

(A) Treatment by Bureaus of the Educational System.

Within the educational system the experiments seem to have been made by various bureaus, depending in each locality upon the personnel of the bureau. The type of official who is more than routineer, and sees new possibilities of service, is apt to include more than he is paid for, if permitted by progressive authority and friendly public opinion.

(1) Attendance Departments.

Attendance Departments lead the list. This is because more specialized educational services are far less general, and because truancy comes closest to other forms of overt misbehavior which are often combined with it. It is only a short step to include occasional

* Scattering data from a few other cities, not secured by inquiry, were also included in tabulations.

children who have gotten away from school control but are not truant.*

Of 85 cities, the attendance departments of 49 do more or less work of this character: 17 "commonly" or "very commonly," 24 "rarely" or "occasionally," and 8 undetermined. Of the 49, 22 report such work on the increase, 5 on the decrease, and 22 stationary, or tendency not reported.

Probably a lower proportion would be found if answers had been obtained from all cities.

(2) Clinical and Psychological Departments.

Clinical and Psychological Departments deal largely with physical and mental difficulties; but among "mental" difficulties are many which involve or are involved in misbehavior, as well as in backwardness. Again it is an easy step for such clinics to include also the study of cases of misbehavior who are apparently healthy and bright.

Of 41 cities reporting such departments,** 39 report work of this character, most of it comparatively recent. Of the 39, 18 indicate that behavior work is common, 16 that it is occasionally undertaken. The work is increasing in 26 cities, decreasing in 1, and tendency undetermined in 12.

(3) Visiting Teachers.

Visiting Teachers are social workers who do more intensive case work for certain types of truant and backward and destitute school children. (Many attendance officers and school nurses are doing work very similar to that of the visiting teachers, and it has therefore been difficult to classify some activities in this study.) As in the case of truant officers, physicians and psychologists, it has been

* Prof. C. C. North, Director of the Summer School for Probation Officers at Ohio State University, writes:

"I may say that I regard it as highly desirable that Public Schools should, through their Attendance Departments and Visiting Teachers, undertake a much wider program for dealing with predelinquency than most of them are now doing. The school has an opportunity for discovering the problems of the predelinquent before any other agency in the community can do so. By a slight enlargement of the scope of the Attendance Department, a very great increase in its contribution to the community could be made. Another reason why this belongs to the Public Schools is that the problem of truancy cannot be separated from other forms of misbehavior. The two should, therefore, be treated by the same agency." (Correspondence, Jan. 16, 1923.)

**Where no reply was given to this question, it was not possible to know certainly whether such a department exists.

but a step for the visiting teacher to be put on cases of behavior-adjustment. In fact, in most places this sort of work has been understood as one of her accepted functions from the start; though it would be a mistake, both of fact and of policy, to make it appear that this is her major function. Behavior work by visiting teachers is common in 24 of the cities in which visiting teacher work is being done. 12 other cities report their visiting teachers as doing such work occasionally, and 14 report such work but fail to indicate its bulk or frequency. Altogether 51 cities report behavior work by visiting teachers or their equivalent. 17 of these cities are Commonwealth Fund Demonstrations.

In these 51 cities, such work is reported on the increase in 22, on the decrease in 2, leaving 27 undetermined in tendency. Several towns have established the work too recently to make it possible to judge the trend.

The Joint Committee on Methods of Preventing Delinquency, working under the Commonwealth Fund, has been most co-operative in helping the writer to secure data from its cooperating agencies. The fifteen visiting teachers then under Miss Culbert's direction replied 100% strong, from all parts of the country.

So far, the Commonwealth Fund Committee hath not let its right hand (the Visiting Teachers) know what its left hand (the Clinics) doth. They are established (with one or two exceptions) in different places. Not only that, but they are attached under different auspices—the Educational System for the one, the Judicial System* for the other—as who should put a steering gear on one ship, and a rudder on another, to prove the advantage of these devices.

It appears to the writer that the most valuable demonstration (analogous to those at Framingham for health, and at Sioux City for child hygiene) will be the proposed combination of right and left arm co-ordinated in one body (an Educational Adjustment Bureau) and functioning in the same community. In this matter, however, the difference, if any, is one of degree, not of fundamental attitude.

* The St. Louis and Norfolk clinics are part of the Department of Public Welfare, but located next the court.

Mr. Towne, formerly director of the Joint Committee, wrote the writer as follows:

"I am sure that you and I are aiming at the same goal. Probably I feel somewhat more conservative about pushing new ideas, because I believe that the school systems of the United States, viewed as a whole, must strengthen their strictly educational work as their first task before assuming too many new responsibilities. I think that here and there it is extremely desirable to have schools undertake an educational responsibility for behavior problems, but that in most places, for example, in most of the southern states, the emphasis should be entirely upon improving the regular teaching staff, etc."

(4) Vocational Guidance.

Comparatively few educational systems have developed a special vocational guidance service; the work is even less widely developed than the movement for visiting teachers. We are dealing here, therefore, with a pioneer phase of what is itself a pioneer venture. Only 18 of the 77 cities tabulated reported such work as a means for the adjustment of behavior: 3 "very common", 6 "occasional", 9 undetermined; 4 increasing, 8 decreasing, 11 undetermined.

The classification was included largely to see to what extent the interesting example afforded in Cincinnati might be echoed elsewhere.

(B) Hearings within the Educational System:

In our previous study it was found that in several places school officials had developed, as a device for keeping children out of court, a system of hearings not unlike those in the more informal juvenile courts. For this reason questions were included to find out more fully the extent of such practice. Inasmuch as procedure of this sort is, like that of the bureaus above discussed, easily adaptable to behavior cases even if now used only for truants, all such quasi-judicial proceedings were included in the inquiry.

Obviously, no such practice should or could take the place of regular court procedure. The limits of school authority are well understood; and the courts will always be necessary as a last resort, for adjudication of irreconcilable cases and enforcement of decisions for or against the parents. Nothing in this report should be

interpreted as approval of such proposals as have been advocated by Brown, formerly of Charlevoix, Gary, Salt Lake City, etc., for the substitution of School Courts, Parental Courts, etc., for the juvenile court. But hearings such as are described by those school officials who have adapted them to behavior cases are essentially the same in method, attitude and results, as those described by certain probation offices as being held for their so-called "unofficial cases." The school "hearing" may result in a plan of educational social case-work for the child, in which the visiting teacher or other school official co-operates with appropriate social agencies.

It may be unnecessary to urge the abandonment of quasi-judicial procedures such as those in the Philadelphia, Cleveland, and Minnesota Courts; but for the cities where neither school nor court procedure is as yet highly developed, it at least seems to the writer more fitting to urge upon the schools, rather than upon the courts, the organization of informal hearings of this character. For with the court goes the stigma of the court, inevitably, and the reciprocal attitudes that go with it are difficult to avoid or overcome.*

After all, for children who can (*ex hypothesi*) be so easily readjusted, the school rather than the court has the best available

*Apropos this point I quote Carrie Weaver Smith, Superintendent of the Girls' Training School at Gainesville, Texas, protesting against a proposed merger of the National Conference on the Education of Truant, Backward, Dependent, and Delinquent Children with the American Prison Association. (See The Survey, Oct. 15, 1922, p. 121.):

"At a recent joint conference of the Juvenile Reformatory Section of the American Prison Association and the National Conference on the Education of Truant, Backward, Dependent, and Delinquent Children, Hobart H. Todd, superintendent of the New York State Agricultural and Industrial School, introduced a resolution that there be a combination of the two organizations, calling them in the preamble 'two organizations dealing with the same question' and stating that 'duplication of effort in the same direction is contrary to all modern ideas of economy and efficiency.' But the two organizations are in no sense dealing with the same question; and it seems to me to be the most reactionary thing and one capable of resulting in definite hindrance to progress, for an organization to be formed that proposes to deal both with the child and adult criminal. There is no place at a prison conference for the consideration of any child, be he dependent, delinquent, truant or backward. Such amalgamation might conceivably make for economy, but it could never make for true efficiency, and such amalgamation is contrary to all modern ideas of child welfare. The truant, backward, dependent, or delinquent child is the job of the educator and the physician only There should by all means be a national conference of juvenile agencies, but it should be absolutely divorced from the American Prison Congress and if it must affiliate with another organization, it should consolidate with the National Educational Association."

facilities. It is better for them not to feel that the school has lost interest or lost control.

(1) Attendance Departments.

Of 85 attendance departments,* 39 hold hearings of this sort for persistent cases, children or their parents; 23 "commonly" or "very commonly", 8 "occasionally", and 8 undetermined. Of the 39, 22 state that the practice is increasing, 7 that it is decreasing. In the latter, decrease is due in some places to the introduction of visiting teachers, etc. It will be noted that the behavior hearings are for the most part a development of the past ten years or so.

(2) Principals.

A much older and more widespread custom is that of hearings by the principal, especially for misbehavior. The writer recalls being the "Exhibit A" upon one such occasion. The principal in question is now superintendent of schools in a city which apparently has none of the progressive developments in educational treatment of behavior problems, despite the urging of social workers and the court itself. I recall watching this man shaking a little truant by the neck like a rat in the presence of the boy's entire class, and I am not surprised. The introduction of clinics, psychologists, visiting teachers or guidance bureaus is, after all, itself an index of the socialized attitude of the official authorities in question.

In all disciplinary measures such as have been described above, it need hardly be said that their success depends upon the attitude and skill of the personnel, whether attendance officer, visiting teacher, or what not. Discipline under a school principal may be far more repressive, humiliating, and creative of a hate of authority than is legal probation or even many a reform school.

At the same time, the plan of school hearings affords another effective opportunity for the adjustment of difficulties by consent, or at least by accepted (or admitted) social pressure. The school hearing is a device worth retaining, developing, and socializing.

*A few towns in our list are doubtless too small to have truancy work under a separate department.

Of 85 communities concerned, 37 reported hearings held by principals for behavior cases, 21 "common" or "very common", 13 "occasional", 3 unreported; of the 37, 8 stated that the practice is decreasing, in some cases because of newer methods; 10 that the practice is increasing; others indefinite.

(3) Other Officials.

In addition, 31 of 85 cities reported hearings held by other school officials, especially assistant superintendents, and mostly on the increase.

(C) Special Classes and Schools:

There is still another form of specialized or individualized service which, like the attendance departments, clinics, visiting teachers and guidance bureaus, has been developed for truant and backward children but which easily and often includes problem children of other types, especially misbehavior. I refer to special schools or classes, or both.

Truant schools and parental schools may, of course, be operated on a punishment basis, and ungraded classes may be virtually a mere device for ridding the regular classes of a hindrance. Some truant schools require a juvenile court order for commitment. We see here an institution which, like probation, is in the border zone between the penal and educational, and which usually depends for its real character upon the auspices under which it is carried on.

We are not concerned here with schools and classes exclusively for truants or backward children. 43 cities, however, include behavior cases in these schools and classes. In general, the tendency seems to be increasingly to include in the educational system such special educational work for groups of "behavior cases" as well as of truants, in both special schools and special classes.

21 of these 85 cities have special schools, under the educational system, which include behavior cases. The trend is not clear, but indicates an increase in population in these schools. A few of the other larger truant schools were listed; though not so reported, they probably include behavior difficulties other than truancy.

There was a total of 33 out of 35 cities reporting, where special classes include behavior as well as truant and backward children.

In Albany, Cincinnati, Detroit, Jersey City, Red Bank (Monmouth County, New Jersey), Rochester (N. Y.), Springfield (Ill.), and Youngstown, the classes are specialized so as to permit a segregation of behavior cases. In actual case work, however, there is probably no great difference between these groups as a whole, and classification of individuals is doubtless often difficult; for one thing leads to another and the three types are often combined in a single case. A system needs sufficient plasticity to permit fresh chances under new teachers, and this is also possible under the less highly differentiated systems of ungraded classes. It is more important, of course, that backward children be segregated from truants and other quasi-delinquents, than that the latter two be separated. It is equally important that the teachers of such groups have the case-work view-point, that they have small enough classes to permit some individualization, and that they co-ordinate closely with the visiting teachers, clinics, and other special educational services.

The moot question of consolidation in special schools, or separate rooms, is not here gone into.

(D) Private Agencies.

A considerable amount of data was secured indicating valuable pre-court case-work by private agencies for relief, protection, education, health, and general welfare. Many agencies, especially certain private foundations, are doing such work for the regular educational system. This material, however, is here omitted for lack of space, and may be published elsewhere.

An extremely interesting paper could be made up from the more detailed descriptions of the pre-court work being done in many cities, received in response to our inquiry. This material also will, it is hoped, soon be made otherwise available to members of the Association.

IV. INTERPRETATION.

The data collected seem to the writer to indicate:

(1) That the spontaneous drift toward educational treatment of behavior has been greater than suspected, and is on the increase nearly everywhere.

(2) That it is in many places still untrained and still more unstandardized.

(3) That its successes are noteworthy, encouraging and to be encouraged.

(4) That they require the support and occasional backing of a family or juvenile court of broad jurisdiction, but only for seriously disputed cases.

(5) That there is a tendency toward co-ordination of the various special educational bureaus or services, or even toward combination into a department including all the adjustment work for problem children, physical, psychological, and social.* These adjustment departments, more or less integrated under various titles, appear, for example, in Albany, Berkeley, Bridgeport, Chicago, Cincinnati, Cleveland, Milwaukee, Minneapolis, Oakland, Red Bank (N. J.), Salt Lake City.

(6) That there is far greater organized development of pre-court work for boys than for girls. Pre-court work for girls, if done at all, is either less frequently needed or is done "on the quiet".

(7) That the following communities present experience especially worthy of further attention: Albany, Baltimore, Berkeley, Boston, Bridgeport, Cincinnati, Cleveland, Greeley, Milwaukee, Minneapolis, Philadelphia, Rochester, Salt Lake City, Youngstown, and the Commonwealth Fund communities.

(8) That if, in the past, there has been any tendency on the part of probation to be, unconsciously, a dog-in-the-manger in preventive work, the present evidence should remove any worry on that score.

The trend of the evidence is obvious. It has been obvious in other papers in this conference, and in every conference on probation and on social work in recent years: the actual working attitudes

*We note here the same three phases included in all sound social and psychiatric work.

of American society toward the misbehaving individual and the problem of misbehavior now include not only the old attitudes of criminal law, and the newer attitudes of probation, but also the attitude of modern educational and psychiatric social work.

We have seen this change coming. Here, however, it seems that we have the evidence that *it has arrived*; not by displacing the old, nor growing out of it—one cannot gather figs from thistles, nor put new wine in old bottles—but as a healthy new shoot growing out of the educational field within which it is most closely adapted.

Medicine, despite certain elements in that profession, has moved on to its educational stage in the Shephard-Towner and similar measures. Penology is following suit.

The probation office is a long step in advance of the prison, and is still a necessary function. But, being attached to the court and carried on under court order, it still represents the stigma of compulsion if not of repression. Why else the slogan "Keep the child out of court"? The attitude implied by this slogan is fundamentally sound.

At the same time, it is the juvenile court which is to be thanked for introducing the new strain into the genealogy of social work. The characteristic contribution of the juvenile court* to social control is the hybridization, or reciprocal engrafting, of *science* and *sympathy*; the synthesis of *social defense* and *individual reformation*, of English altruistic reform and cold-blooded continental criminology.

Probation, to shift the metaphor, has bridged the gap between the penal and the educational.

The charity organization movement produced the attitude toward the poor known as *scientific charity*. Medicine, psychology and probation are creating in the public an attitude toward the unadjusted which may be called *charitable science*.

"Keep the child out of court" is a true but negative slogan, remedial or preventive. "Keep the normal child normal" is a positive and constructive slogan.

* Cf. Elliot, Thomas D., op. cit., Chapter X.

How is the new attitude being embodied in social technique?
The principles may be formulated as:

- (1) Individualization.
- (2) Treatment of the whole child, social, physical, psychological.
- (3) Treatment, so far as possible, on a basis of consent, not of compulsion. Consent is half the battle.
- (4) Recourse to the court in irreconcilable cases.
- (5) Faith in the regenerative and adaptive capacities of social workers, as well as of the child.

The working organization, whatever its title, consists of

- (1) Trained personnel
- (2) Unified staff for intensive work
- (3) Flexible and experimental methods
- (4) Co-operation with private agencies in social case work.

This report would not be complete or just without some mention of the case work of ordinary grade teachers. Both in the inquiry and in this paper it has been taken for granted that many a school-room teacher often makes even a visiting teacher unnecessary when, if not too overworked, she does socially constructive and preventive case work with children directly under her charge. Of such humble work there are ordinarily no records except in Heaven. Our ultimate ideal, like that of progressive educators, should be the *individualization of education*, in the sense of adapting it to the social needs of every single child. When a school teacher thus goes out of her weary way to help this day to come, let us remember the injunction, "whosoever shall compel thee to go a mile, go with him twain."

The writer hopes that before long the individualized services for problem children may be recognized by the National Education Association in a Section on Special Education and Social Adjustment. May we see the day when this, the Probation Association,

will find itself meeting in joint session with such a section of the National Education Association.

VI. CONCLUSION.

The writer's conclusion is that the facts show that the public attitude toward behavior problems has at last definitely shifted its center of gravity—not so much by changing its attitude toward crime, as by developing a new habit of mind and set of ideas in our educational system. Our educational methods and attitudes may be backward and reactionary in many places, in spite of the efforts of progressive educators. If so, however, the flank attack through demonstrated success with problem cases will do quite as much to enlighten and liberate our conventional schools and teaching methods, as will the more direct attacks upon the old fashioned "school system".*

There is, of course, as yet, no way of telling how much delinquency is being prevented by such efforts as have been described above, any more than it is possible to determine how much adult crime is prevented by the juvenile court. Even a reduction of juvenile court cases is not conclusive, though it is encouraging.

There is also no way of telling how many of our cases, in school or court, might have righted themselves if let alone. These are hypothetical problems.

There is, however, abundant evidence, from experience, from research, and from competent opinion in many cities, that children who are delinquent have usually shown previously such symptoms as are here described by the term quasi-delinquency; and it is perfectly obvious that it is easier and cheaper and less de-morale-izing to do case work without the machinery and reciprocal attitudes of compulsion whenever possible.

If in spite of all our case work and courts crime still increases, it is, then, *because general conditions, economic and social, are*

* Since making the above statement the writer has noted the following from Southard and Jarrett, "The Kingdom of Evils", (p. 551):

"All mental hygienists are not making the frontal attack upon education that the teachers of the normal are making; but the flank attack by these mental hygienists may yet prove as successful as the more obvious forms of frontal attack."

creating more and more quasi-delinquents. We may be permitting an environment in which the inevitable, if not the appropriate, response is what we call malbehavior, either before or after a court experience. If this be the case, our courts and educational authorities should tell us so. But that is not the function of the present report.

FORCE VERSUS KNOWLEDGE

Some of the Problems of Probation

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Our problem is probation and its problems. Has probation failed? Is it going to fail? If so, which of its enemies will get it, those from without, or those from within? Do probation officers at times, in the name of probation, use methods which are fundamentally alien to the spirit of probation, — methods born of criminalistic procedure, rather than of that knowledge which comprehends human conduct both as to its causes and the means by which it may be modified, that knowledge in short on which the theory of probation is based?

Probation is a scientific modern invention of the 20th century. It proposes so to treat those whose conduct has violated our codes of moral behavior that changes in conduct will take place without the use of force, or restraints, or incarceration, so that indeed the individual will be transformed while living with us in the same community which condemned him. This paper will consider only probation problems as they deal with the young wards of the juvenile court. Sociologically speaking probation is perhaps best known as a magnificent protest against the criminalistic treatment of the young offender.

Just as the juvenile court is based on the theory of the *parenthood of the state* which enforces the rights of the child, otherwise helpless against the failure of adults to provide for its health, education, protection, so probation is based on the theory that it can supply what has been lacking and thus influence and modify the conduct of the

child without the use of violence. As Charles Chute has pointed out, probation means proving, testing, trying out. It presupposes a diagnosis, a program, a technique, a well-charted plan*. It is not the *child* who is so much on probation as the *community* and its resources, not so much the child as the probation officer. We do not speak of the tubercular convalescent as being on probation: it is the professional skill of the physician and nurse which is being tested out. Do you deny that tuberculosis is a force which devastates humanity and that the individual is hardly to blame for being sick? Delinquency too is a force that menaces youth: the delinquent's reactions are all caused by what has gone before and he needs diagnosis and treatment as surely as does the patient.

The probation officer is dealing with forces and materials as any other scientist or artist deals with them. Only these human forces are difficult to discover because they are so commonplace, so abundant, so deceptively simple that it takes unusual insight and imagination to realize them, just as it takes rare human ability to discover the beauty of personality, or to gather scientific data from the everyday stream of life. The probation officer has the twofold task of discovering human forces and of directing them in the conquest of delinquency. No profession today is more searching or more glorious, for the probation officer is translating the knowledge of experts in human life, the physicians, psychologists, psychiatrists, into action. He is working with the sensitive bodies and minds of children. He is the courteous and comprehending friend to whom all may be told without offense and from whom may be expected complete understanding and the wisdom and strength of ideal parenthood.

Such is the theory! Certain forces and conditions however are operating in the field of probation that tend to destroy its usefulness. Let us enumerate them as briefly and as boldly as we may. Chief of the enemies of probation today is the method of selecting probation officers.

Recently a civil service oral examination of candidates for an adult woman probation officer was held in a large western city. There

*Chute, Charles. "Probation in Children's Courts." Pub. by U. S. Children's Bureau.

were about twenty-seven candidates. They ranged in experience from an ex-movie actress, and a cosmetic clerk in a leading drug store to a woman who had had years of experience as parole officer for an Eastern State Training School for Girls. In education they ranged from the 8th grade to 2 years of college.

They were asked: "What methods would you use to help a woman on probation, besides having her report to the office?" The answers were as follows:

"Well, I would talk to her, try to help her in every way I could." "Show her the right way." "Find the good in her and appeal to it." "Seek *refined* ways of helping her." "Let her know I expected her to do right, and then hold her to it." "I would use tact and firmness."

These replies came from the rouged lips of the movie candidate, and from the tight, straight lips of the store detective. Each was sure she wanted to help delinquent women, and had the power to influence, but of the process of changing the current of human forces none had the faintest idea.

They were asked: "What would you consider a hopeless case for probation?" A few answered categorically, with the air of a neophyte responding to the catechism,— "None are hopeless. There is good in all." (What chance would Mary have if she swiped a purse from one of those women?)

One thought a woman was hopeless if she would return to her old companions, another, that after three chances a probationer was hopeless. One said, "where probation has lost all scare,—it does no more good." A fourth thought a woman was hopeless if she "had absolutely no principle" (though, if she were hanged for it, this candidate could not have defined *principle*). One thought a woman should not be put on probation, if she had any habits. The store detective said women who stole were hopeless,— "You can break them of sex, but you can't break them of stealing." Another said that if a woman "invariably prevaricated" she was hopeless. The crowning answer was that of the candidate who declared with finality,— "A woman on probation is hopeless, if she won't take advice."

One of these candidates was chosen, one will be charged with the duty of changing the behavior of women who have violated our con-

duct-codes, one will be the city's chief defense against repetition of crime, will be the tool for putting into practise the combined wisdom of clinics, universities, courts and conferences,—in short will carry the burden of modern probation administration in one of our large cities. Are we putting too great a strain on her mentality?

Where did she come from? The civil service examiner pointed with pride to the wide range of candidates, showing that newspaper publicity, posting of bulletins in offices, stores, night schools and colleges had done its work.

Where were the experts who tell us of the incurable damage done individuals and society by unskillful handling of delinquents? Had they been watching this opportunity for months, coaching their students, encouraging them to the civic patriotism of cheerfully accepting the hazards of civil service? No criminologist, sociologist, or other expert gave sign that he had the slightest knowledge of the affair. Are not the experts telling us what is right, appealing to the best in us, and then expecting us to do it,—that is to say, using the same methods with us that these poor candidates will use with the luckless delinquent?

Perhaps you do this better in the east and other parts of the country than we do in the darkest west, (and even there, I need not remind you, we have brilliant exceptions) but everywhere throughout the country we cannot deny that a profound gap exists between our funded knowledge of the principles of mental hygiene and the rank and file of our workers with delinquents. If civil service interferes with the obtaining of the right kind of probation officers let us say so frankly. But before we blame civil service are we sure that we, the National Probation Association, the various State Probation Associations and the individual chief probation officers have clearly stated the qualifications of probation officer? Indeed have we any standards? Do we not jostle college trained persons with those from the eighth grade, those whose training has been in some recognized form of social casework and those who received it as best they could in their "church work," or in the domestic, or political arena? Under the requirement of experience do we seek those men and women whose personality shows by their adjustment to life that experience

has enriched them, so that they have something to give to childhood; or by "experience" do we mean mere bulk, as if the process of living were as a hasty and course meal, producing a querulous, stupid, wistful, or downright insulting personality?

Now this paper is written from the standpoint of the probation officer by a believer in probation, recognizing the untold service wrought to childhood by probation, aware of the difficulties, often heroically met, such as long hours, too small salary, too many cases, hampering rules and red tape, too few social resources, the indifference of many churches, schools and men's and women's clubs, political upheavals, attacks at once from the lower world and the upper world, public and private abuse, the misunderstanding of the parental nature of the court by well-meaning social workers who still talk in terms of stigma and reproach as if the worst thing that could befall a child were to fall into the hands of the juvenile court,—all these difficulties of ignorance, malice, over-work and bad public opinion we know and have combatted. The probation officer has a work to do that no other individual, or agency, to date, can do as well as he can. How serious a matter it is then to voice the conviction that unless the probation officer is reformed and transformed the whole juvenile court system will go crashing!

The major enemies that afflict probation are from within, evils of method and evils of attitude. Probation cannot succeed if it bases itself on force, or uses methods of the police, the detective or the prison. The first thing that we need is insight into the causes of the delinquency.

A frail boy of twelve, blond, with irritating freckles, was brought before the court by the School Department for persistent truancy. He was impudent and restless. His father was an autocratic Iowan who led labor disturbances. His stepmother was a Spaniard who had danced in her youth. The boy was under-fed, over-nagged, and under-loved. He had a gift for flying rare and beautiful kites. His whole problem was skillfully diagnosed by the psychologist, a too neglectful and too domineering family background. He was placed on probation. His probation officer is a likeable man. He used to be a minister. I asked him how the boy was doing: "Oh! very well in-

deed!" replied the probation officer,—“I have at last found the right school for him.”

“Yes?” I inquired.

“Yes. The principal there is a real disciplinarian. He is giving the boy just what he needs, a good switching, once a week.”

I think we fail to realize the true social significance of the fact that by far the greatest majority of juvenile court children come from the broken home. We are likely to think that this is because safeguards have broken down, morals have not been taught, health and education have been neglected. The truth of the matter is that it is not so much the lack of training as it is that a twist was given to the emotional life of the child in those painful days *before* the home became broken, and father paid alimony, and mother went out to look for a new “aggravatin’ papa”. Kempf, in “Psychopathology”, in developing causes of profound mental ill health in the patients of St. Elizabeth’s, says (p. 207) “Parents who do not really love children, and, living for their own pleasure, force the helpless child to adjust itself to unnatural interests, discouraging its initiative through indifference and suppressing it with threats of punishment and moralizing opinion, gradually, insidiously, deprive it of its power to protest against the encroachments of other people upon its struggle for happiness. Hence it cannot develop the aggressiveness which is vitally necessary for successful competing for the love—object or for social esteem.”

A delinquent child is one whose life-goals have not been satisfied, whose interests have been neglected or misunderstood. Careful study of cases reveals the fact that most delinquent careers are begun in early childhood. Particularly is this made plain by the case histories of Dr. Healy.* When the child comes to the court he has already been through a great deal and often he has built up a defense-reaction against the encroachments of adults. Stubbornness, lying, crying, stealing, running away, sex offenses, soiling of clothes, enuresis, destructiveness are some of the symptoms of this defense-reaction. It is important that these symptoms be understood in their

*Healy, Dr. William, Case Studies. Judge Baker Foundation, 40 Court Street, Boston.

true significance. The child and the parent usually are powerless to modify them. The probation officer, after the diagnosis should promptly begin constructive treatment. Fear and repression merely intensify the trouble. Each step in the procedure of the court, the filing of the petition *in behalf* of the child, the hearing, the detention (if that unhappily is necessary), the business of reporting, the entire contact of the child with the probation officer should be sympathetic, helpful, cheerful and inspiring as is the atmosphere of a good clinic. The essential elements of good juvenile court procedure have been pointed out by the writer.*

Some of the uses of force seem trivial and all in the matter of routine, yet they so color the emotional life of the child that recovery is greatly retarded, if not impossible. The careless issuing of warrants is an example. On the face of the warrant is usually the statement, "it having been made to appear to the judge that a citation is likely to prove ineffectual". There are many people and some probation officers who make up their minds after hearing one side, usually the first side. Their ears are not trained to listen to that other side, the dumb side of the child while the distraught parent, neighbor, or teacher is seeking action from the law.

Dorothy was a girl of fifteen. She had run away from a talkative aunt and a profane, invalid uncle by marriage. She had taken refuge with a woman of good family across town who had a daughter of the same age. The aunt told the investigating probation officer that the girl was in grave moral danger. A warrant was issued. Owing to a crowded calendar the girl spent several days in detention. At the hearing the facts developed that Dorothy would have been brought before the court at an hour's notice and that the moral dangers consisted of Sunday Victrola playing and one trip to the movies. For Dorothy however the case has just begun. The most tactful of probation officers has not been able to cure her attitude of fear, hatred and rebellion.

Particularly atrocious is the arrest and detention of small boys

*Van Waters, Miriam, Socialization of Juvenile Court Procedure. Journal of Criminal Law and Criminology, May 1922. Vol. XIII, pp. 61-69.

for truancy. This is a school problem and all the arresting and incarceration in the world will not cure truancy.

"Why do you not wish to go to school?" an Italian boy of 12 was asked, "It is no use. The teacher never looks at my compositions, she just throws them in the waste basket!" And this was the case with a boy of whom the teacher said, "all he needs is a hole bored in his skull to pour in the brains". The intelligence quotient of the boy is 114%. We were unable to obtain that of the teacher. By rare good chance we were able to obtain a transference of the boy to another school. There has not been the slightest trouble with him since.

Wrong methods are further illustrated by the use of handcuffs and other physical restraints. A boy of 13, being transported to an industrial school, traveled the length of the state handcuffed to a deputy sheriff who regaled his charge with coffee, ham and eggs and lurid stories of the "hard-boiled" life he was about to lead at the "reform school". For those who are able to read, these are the steps by which the criminal is actually made.

Unnecessary detention is another evil which afflicts probation. The child who stays for weeks in the detention home, "lost", or "forgotten", nursing the promise,—"I'll come and get you tomorrow" is building up an attitude toward the law which later expresses itself in fear and anger: "Those bulls,—all they got to do is pinch you and then lie." One probation officer for safe keeping put his runaway wards of 14 and 13 all night in the county jail, (Yes, it is against the law, but who is there so outraged in our complacent day that he will make a suitable outcry?) and in the morning he was chagrined to find that they had lodged next the cell of a condemned murderer.

Coupled with the use of the wrong method of force is the wrong attitude. This may express itself in words. "How is Fannie May doing?" the court asks of the probation officer,—"Oh she is doing all right for Fannie May! She will never be any different." The probation officer tells the court nothing new about Fannie May but she reveals her own helplessness, based on her ignorance. Gradually this feeling of powerlessness develops into a subtle antagonism which tends to belittle not only the gains the child makes but the efforts of others in her behalf. We fear that which we do not understand. If we make

no headway in diagnosis or treatment we are likely both to fear and hate the client. Even parents sometimes fear and hate their children. It is very subtle but it expresses itself in discouragement, belittlement and a general attitude of "what is the use . . . they are all thieves and liars."

Why indeed do children lie? Is it not often because they must get along with adults? A boy in knee trousers was before the court. He was charged with breaking and entering several houses and setting fire to the last. He was a silent, reserved child with chalky pallor, stolid and indifferent. The family background suggested the existence of a profound and mental twist in the boy. Here was pressure and the need for skill to remove it. The case-study, Number 20, by Dr. Wm. Healy, Baker Foundation Series has shown the lack of wisdom of further pressure in an analagous situation. The Probation Officer was wavering between the demand of the community for vengeance, and his own recognition of this child as mentally sick. Then the policeman broke in, and shaking his finger at the small boy said: "This is the worst criminal I have handled in fifteen years. All the time he sat there eyeing me with his gun. I confess I was afraid of him. Why this is the kind of fellow who grows up to kill a policeman!"

And so the little boy, —himself afraid of guns, bewildered at his arrest, laboring under the impulsion of an emotional disorder, was in the courtroom given an impressive lesson in crime.

The reconstruction of the life of a delinquent child has some clearly defined stages. First must come insight on the part of the probation officer. This is partly based on the diagnosis of the case from the physical, mental and social record and partly it is based on the thrill of an intimate recognition of the human and personal problem involved, the interpretation of the data in terms of creative imagination. Next comes the awakening of insight in the child himself. This is a psychological process requiring time and expert skill. If it is complete it is likely to be of permanent benefit. The child will recognize his wrong doing in terms of cause and effect. The following stage is the development of affection in the child for some satisfying love-object, parent, teacher, probation officer, doctor, big

brother or big sister. This affection if wisely produced and wisely handled will be the turning point in the reconstruction. Then new activities should be introduced. Finally there should be the formation of permanent social relationships,—a new hold on family, school, church, clubs, the community, new roots sent down firmly into a new soil. And the aim of it all is the further development, not the repression of personality.

The examples of the use of force in probation have been chosen from everyday, oft-repeated experience, chosen casually because they are so universal. Do not belittle them. They are like straws which show the hostile currents which threaten to destroy probation.

In conclusion: probation officers should have the requisite education, training and experience. There is no excuse for their not knowing the elements of biology, psychology, sociology and the facts of mental hygiene. They should be social physicians and their attitude should be that of the social worker, he who builds up social relationships. They should have respect for the worth, the dignity and integrity of human personality. They should use knowledge, not force in the solution of their problems. They should believe in miracles, those daily miracles of the reconstruction of broken human lives. Finally they should realize with Tolstoi:

"It all lies in the fact that men think there are circumstances when one may deal with human beings without love, and there are no such circumstances. One may deal with things without love; one may cut down trees, make bricks, hammer iron, without love. But you cannot deal with men without it, just as you cannot deal with bees without being careful. If you deal carelessly with bees, you will injure them and will yourselves be injured. And so with men."

DISCUSSION

DR. ESTHER L. RICHARDS

Johns Hopkins Hospital, Baltimore

It is stimulating to attend gatherings of this sort, and to listen to the stories of colleagues working with the problems of human behavior. To those of us who grub day after day in the rocky soil of human possibilities it is comforting to realize that others encounter the same discouragements and respond with temperamental reactions that are strangely familiar.

I was impressed with the fact last night that each of the three speakers reached practically the same conclusion, and arrived at it not only by virtue of independent processes of thinking, but also by virtue of different avenues of approach to the problem of mal-adjusted childhood. And the conclusion was this: any attempt to resect the individual conduct disturbance brings one at once to the tissues of environmental setting,—the family, the educational system, community agencies for social adjustment, the machinery of creative and administrative law. Dr. Eliot finds from his statistical survey that the most helpful and concerted action in meeting the conduct disorders of children is achieved in communities where school and health program and civic and social agencies work together in an educational system that is itself learning while it teaches. He would extend this wholesome drift toward a scientific study of the causes of maladjustment, by education, particularly of the pedagogical group. He even was so bold as to utter a whispered prayer that the National Education Association might some day think it within their dignity to devote a special section of their program to a consideration of such a drab and commonplace matter.

Dr. Glueck felt that an education of the human machinery of law, and a sober reflection on the part of the public as to its goals and purposes must precede stable work with the delinquent child.

Dr. Van Waters, recognizing all these things added her eloquent plea for better selection of probation officials, not so much on the basis of academic and stereotyped training, as upon that of a general commonsense approach to the individual child as a whole. The job of wholesale education makes one dizzy and faint if one pauses for a moment and glances down at the precariousness of one's footing in the daily pilgrimage. So far our institutions of higher education are on the whole as benighted as in the middle ages. They are mind-shy except for the beaten tracts of adventure in formal psychology. A year or so ago a Master of Arts from one of our eastern women's colleges came down to our psychopathic clinic to study behavior problems in children. I assigned her to special duty with our psychiatric worker who follows the children's cases. To my great surprise this aspiring student balked, saying, "I didn't come down here to do friendly visiting. I came to study the psychology of childhood." When I asked how her researches would be expected to throw light upon concrete cases of child difficulty, her replies were similar to those from the civil service candidates which Dr. Van Waters read last night.

The City of Albany is certainly to be congratulated upon the head of its school health work. I feel that this Albany physician must be a very rare man. Our own contacts with public health officials have not been so happy. Last month I heard one say at a health meeting in Baltimore that in his demonstration unit during the first year they had mentally examined 1000 school children,—and by this he meant that he had measured their heads and estimated their vital capacity.

Personally I am inclined to believe that the best missionaries to spread this educational propaganda are our medical students. At Johns Hopkins we are getting at these men with theoretical and practical work in medical psychology in their freshman and sophomore years, requiring them during this period to write an autobiographical sketch from an adaptive standpoint. This is followed, in the third and fourth years, with weekly psychiatric clinics and daily reviews of dispensary material. Over 50% of the new admissions to our psychiatric dispensary each month are children. With

the enlargement of this work under the new \$2,000,000 endowment, it is our hope to make this material available to many groups of people. For it is only by demonstration of the concrete case and what can actually be accomplished with it that we can expect to put over a concept of mind and the behavior products of mind that will make an impression on anybody.

HOW CAN GOOD CASE SUPERVISION BE SECURED FOR ADULTS ON PROBATION?

FRED R. JOHNSON

Chief Probation Officer, Recorder's and Circuit Courts, Detroit

One answer to the question I am to discuss was recently given by the state authorities of Michigan. They placed the supervision of men on parole from state prisons in the hands of our State Constabulary. I hold no brief for this strange Michigan policy. It indicates that our state is in need of the help the National Probation Association can render.

One can not discuss supervision without touching upon the qualifications of probation officers, for without a capable staff good supervision of probationers can not be secured.

There is a theory extant in some circles that social work, and I assume we all agree that probation is a form of social work, closely parallels business and industry. Some would consider a probation staff similar to a section gang, made up of a group of workmen who are not in need of any particular mental capacity under the direction of a foreman who does all of their thinking for them. We know how fallacious such a theory is. Probation officers must be persons of personality, education, and special training. Their contact with probationers is not susceptible to close supervision. The relations between members of a staff and those in charge should be similar to the relationship obtaining between associates on a college faculty.

Supervision or treatment of probationers can not be wholly divorced from investigation. Social diagnosis is a continuing process.

No matter how thorough the pre-court investigation may be, there are new factors which continually crop out which will modify our plan of supervision. In Detroit we have found it necessary to organize investigation and supervision as distinct departments, but I appreciate the logic of organization by which two functions are combined.

Probation departments must not forget that social organization is complex, especially in the larger cities. There are other agencies interested in our probationers who are sometimes in a better position to supply the supervision needed in individual cases than we are, although it is our duty to maintain some contact with the probationer. In this connection may I emphasize the value of registering probationers with the Registration Bureau or Confidential Exchange if there be such an agency in a city. We have found, time and again, that it has been necessary to modify our whole plan of supervision because of information made available as a result of registration.

Visits to the home of the probationer, if he is married or living with his family, is a basic element in supervision of the adult as well as the juvenile delinquent. The best place to learn to know any one of us is in our homes. There we get acquainted with other members of the family. We become familiar with the environment of our charge. We discover the neighborhood influences which are at work.

Reporting is considered a valuable and necessary part of probationary supervision. It is required by the Michigan probation law. Our general rule is to have probationers report weekly. Occasionally this is changed to a bi-weekly or monthly basis. Such reporting supplements visits to the home of the probationer. We find it especially useful in connection with the large number of single men on probation who live in lodging or boarding houses and where home visits are of limited value.

Mental and physical examinations even when not made at the time of investigation or on order of the court at the time of the preliminary hearing are frequently essential. Our court is fortunate in the possession of a well staffed psychopathic clinic headed by Dr. Jacoby and that clinic is indispensable in our probation work. Not only are the suggestions made by the clinic valuable in supervision but we are saved the necessity of undertaking the impossible at times when

it is found that a given person, because of lack of mental capacity, either should not be placed on probation or should not be continued on probation.

The profitable employment of probationers is a primary purpose in supervision. We should not, however, consult employers who do not know that employees are on probation if such consultation will prejudice the probationer's interest. But we are finding in Detroit, and I am sure the same must be the experience in other cities, that there are many employers who are glad to extend a helping hand to probationers by giving them employment. We have frequent occasion to send men directly from the probation office to industrial plants in the city.

The theory followed by the United States Government in the care of its army in the Great War was that the vicious influences of bad companions and camp followers could best be met by the substitution of healthy recreation. It is better to say "do" than to be continually repeating "don't." Hence the Commission on Training Camp Activities. I wish it were similarly possible to mobilize the influences for good in a city on behalf of probationers,—churches, night schools, Big Brothers and Big Sisters, settlements, clubs and facilities for wholesome recreation of various kinds. The Women's Division of our Detroit Probation Department has been making an experiment in this field. It is definitely endeavoring to enlist the interest of spiritual and neighborhood influences in behalf of women on probation.

SECURING PUBLIC SUPPORT

AMOS A. STEELE

*Chief Probation Officer of the Supreme Court
of the District of Columbia*

This matter of securing public support for probation is largely a business proposition. People and the public will support any cause when they are convinced of its merits. When a merchant has a line of

goods to dispose of he tries to convince the public that he has something worth while to sell and at a saving price. Any cause must demonstrate its merits before it can gain adherents, and that is equally true of probation. But it is obviously more difficult to enlighten the public of the benefits of probation than of the merits of merchandise because but comparatively few people are affected by it and hence have no knowledge of what it does or attempts to do. The average citizen knows vaguely that a certain person who was convicted of a crime has been released on probation. He may not have much interest in this particular person and so probably thinks there has been a miscarriage of justice. But if the person placed on probation is a friend or relative of his, he will see the benefits of probation without difficulty. So the knowledge of what probation is and what it does is conveyed to the public by slow degrees. The average citizen knows but little about the workings of the courts until he has had occasion to be a witness, or a litigant or a juror; and probation is but one phase of criminal court work. We must not, therefore, be surprised if there seems to be a lack of support for a work with which the public is not yet thoroughly familiar.

Probation work throughout the country, especially adult probation work, has been of slow growth. But it has grown steadily and normally as it has been better understood and appreciated. It has encountered many difficulties, and one of these has been the lack of proper support. This has been due largely to ignorance of its benefits and fear of its consequences. Many people think that probation has tended to increase crime, and this idea has been prevalent among police officials, but no statistics have been produced to show that probation has increased crime. In the long run, it will certainly decrease crime, because it saves many first offenders from becoming habitual criminals. Law enforcement officers are seeing this more and more and many of them are among the staunchest friends of probation.

Much of the criticism of probation is leveled against administrative features and not against the principle of probation. It is useless to argue here among probation officers that probation is a good thing. That is a truism with us. The question is,—How are we to answer

the critics and to show the public that we have deserved the support it has extended and that we merit even more generous support in the future? I think the answer is to be found in a more careful selection of those admitted to probation and possibly a closer supervision of those on probation.

Our probation law for adults in the District of Columbia is ample in its provisions. Our judges are in thorough sympathy with probation, and we have had the support generally of the police, the churches and welfare and civic organizations. But we are hampered for lack of help and have more work than we can properly perform. The work has more than quadrupled in the past five years and the help has not been increased. It has been difficult to convey to Congress this need for more help. At any rate, the help has not come and the result is just what must be expected. So far as preliminary investigations are concerned, these are made as thorough and complete as are necessary. In these investigations the office has the hearty support of the police and any organizations called upon. But we do not have the help necessary to keep proper supervision over those placed on probation. In adult probation I do not believe in such supervision as would advertise the fact that the person is on probation. Too close supervision might irritate and discourage the probationer. But we should have help sufficient to make investigation of all cases where there is reason to believe that the probationer is not properly conducting himself. Any failure to bring in such defaulting probationer, who is known to be on probation by others in his community, tends to discredit probation work generally.

I am a firm believer in giving adult probationers but one chance. Any adult who commits an indictable offense and is placed on probation well knows what the requirements are, because he is fully instructed as to his duties when he is released on probation. If he fails to conform to the conditions of his probation he should be brought in and required to serve a sentence. Failure to do this is fatal in the administration of probation and will do much to alienate public confidence in its value. We could not expect and would not merit public support for a work which fails in this important essential.

This probation business is a profession just as the practice of

medicine is a profession. We are called upon to deal with the moral and mental infirmities of humankind and to try to correct them. More and more the courts having criminal jurisdiction are leaning upon probation officers. They depend upon them to furnish correct and complete information of a defendant's past history and life as well as the extenuating and aggravating circumstances of the offense. But probation officers cannot accomplish the impossible. They cannot get satisfactory results when they are overworked and are not furnished sufficient help. Most of my time is taken up in making preliminary investigations, and while in adult probation I think that the diagnosis,—the preliminary investigation,—is the most important phase of the work, the results will be unsatisfactory if sufficient time or help is not afforded for supervisory work. Obviously a correct diagnosis is of little value if it is not followed by the indicated treatment. So far as our own office is concerned, we have no complaint to make as to the support extended from the citizen body, but we have not as yet secured from Congress the recognition desired in the matter of sufficient help necessary to the proper administration of the work.

REPORT OF THE COMMITTEE ON TRAINING FOR PROBATION WORK

LEON STERN

Director, Educational Department, Municipal Court, Philadelphia

The report of the Committee on Training this year is, in a way, an addition or sequel to last year's report.

The committee's report last year after an extensive review of the situation throughout the country made certain suggestions or recommendations. Although the resolutions committee presented a resolution accepting and approving the committee's recommendations for the training of probation officers, the report itself due to lack of time was not discussed by the membership from the floor except by those who were on the program of the committee.

The committee's conclusions were as follows:

"Having in mind the limited training facilities for probation officers and the peculiar needs of the situation at present, the committee desires to offer the following suggestions:

I. *Preliminary training courses in schools.* Preliminary training courses for those who desire to enter the probation service should be established wherever they are now lacking in professional schools of social work, either independently conducted or conducted in connection with colleges and universities as may be practicable. This training should include—

A. *Laboratory courses*

1. Family case work.
2. Behavior and conduct problems of children and adults studied from social court records.

B. *Lecture courses or descriptive courses*

1. Psychology and psychiatry.
2. Criminology and penology including growth, development, aim of the probation system; the socialization of other correctional agencies.

C. *Courses in administrative problems including*

1. Administrative problems of probation departments and other correctional agencies.
2. Technical processes such as preparation of petition, giving bail, issuing warrants, etc.

II. *Special Training Courses.* Although the committee lays stress on preliminary training, in order to meet the existing situation in certain communities, the following suggestions are made:

(a) Special training should be provided in courts or elsewhere either independently under proper supervision or in connection with existing schools in order to meet the needs of probation officers on the job or newly appointed probation officers, who could not otherwise receive the necessary training for their tasks.

(b) Probation institutes should be held from time to time for workers on the job and others so that judges, probation officers, protective workers and those whose social work is in co-operation with the courts can meet on common ground to discuss joint problems.

- III. *Case Conferences and Group Meetings* of probation officers in the courts and of protective workers and social workers outside the courts should be established to help build up technique, to maintain standards, to intelligently plan out problems of individual families and to socialize legal proceedings.
- IV. *Libraries* should be established or reading lists made up for the use of probation officers.
- V. *Careful keeping of case records* with complete history sheets and a running story intelligently told is essential in order to do good case work and is urged as a basis for the collection of case materials for teaching purposes in special training courses, for staff members and for training courses in schools.
- VI. *Personality and Character*,—life experience and fitness for the task should be emphasized in any plans for training and for appointments."

The conclusions represent a moderate teaching aim based on suggestions coming from all over the country and made by college teachers, teachers in schools of social work, judges and probation officers. The committee adopted a more or less middle-of-the-road policy—since it had in its own membership on one hand the view that the probation officer should be a college trained man or woman and on the other hand the view that personality is the all important requirement. The point of view as you see that was adopted by the committee was intermediate, leaning rather to the plan of specific training for our form of public social work, either in a college or in a court properly equipped for the task, with that training based on social case work. The committee holds that probation work is case work with a public social service agency, a court of justice. Specific examination of the plan presented may raise the question, and has I believe, as to whether it meets the test of practicability. Have the probation officers the time to so equip themselves, and if they have, how many, to face the matter squarely, are equipped to follow it? In other words, how much of the program is it advisable to follow? We are here to-day to discuss the putting into practice of the various plans of training outlined last year—

- (1) Academic
- (2) Probation institutes
- (3) Court training system
- (4) Training under a case supervisor
- (5) Conferences

An examination of these points raises another question as to whether specially selected individuals or all of the staff are to receive such training. We face the situation that no one court in this country has at present a maximum of trained workers, or a majority of such workers, or even a sufficient number of trained workers.

We are now in an evolutionary stage. We should thrash out just where we need training and how we are going to get it. The result of last year's survey was published and has been read by most of you. This year's report is a re-stressing of certain issues presented to our minds by that survey in order to get a full discussion at this annual conference. This method has been chosen rather than the correspondence method.

1. We shall at this session eliminate academic training in colleges and schools. Many departments of universities and training schools offer courses in case work, but specific training for probation officers is to be found at present only in the New York School of Social Work and the University of Chicago. We are not concerned with the discussion to-day.

2. The Probation Institute which differs from the Probation Conference in as much as it is held for teaching and not for the exchange of view and opinion primarily, was presented in the committee's report last year. This year probation institutes were held in two states, Ohio and Pennsylvania. The New York Probation Conference sponsored by the State Probation Commission, is in some respects an institute.

The latest report from the Ohio Institute shows that it dealt with probation and its backgrounds by subjects, i. e., in the light of penology, criminology, sociology, psychology, etc. Methods of handling and treating cases were discussed.

The Probation Institute in Eastern Pennsylvania, held at Philadelphia for the first time on April 26, 27 and 28, was an attempt to

work out roughly what this committee on training had in mind as a probation institute. The sessions lasted for three days and were held at the University of Pennsylvania and at Sleighton Farms. There was an afternoon devoted to children's problems, an evening to the adolescent girl, an afternoon to Domestic Relations, an evening to the adult. No general papers were permitted. Two speakers at each session presented one or more cases each. There also were those that the presenter considered properly and successfully worked out. Two of the leading case workers for Eastern Pennsylvania working with the problems, discussed and analyzed these cases in the light of method and technique, i. e., the proper application of both theoretical and practical knowledge. The thought was that since probation is a practical task in applied science, we should therefore not teach by subjects, penology, sociology, psychology, but by the method used in the law school, i. e., the case method. The law school has cast aside the subject method as theoretical, so too should we cast it aside.

In the Eastern Pennsylvania Institute both probation officers and social workers with private agencies joined in the discussion, analyses, and criticisms, of the cases presented. However, most of the cases were presented by probation officers. The basis of selection of cases was that they should be the best and most interesting cases.

3. The third method, that of training in the court itself, is the most expedient at present for many probation systems, due to the dearth of trained probation officers and due to the lack of training schools properly equipped. The Philadelphia and Chicago methods were touched upon last year. The Chicago method depends upon selection by special examination given by social workers plus conferences after the worker is hired. The Philadelphia method selects particular probation officers for special training and adds to that a system of lectures. Case supervisors are also provided. The Chicago method lays more stress on staff conferences than does the Philadelphia method, where staff case conferences are not so extensively used.

There are three systems that offer a basis for discussion for us today:

1. The one used in New York City by Mr. Bernard J. Fagan where selection and administrative supervision are stressed;
2. The one used by Mr. Edwin J. Cooley, also in New York City, where staff meetings and staff supervision are stressed, plus the use of a probation manual;
3. The method used by Mr. Albert J. Sargent, in Boston, has similar emphasis.

The Buffalo plan is not presented in this report. It seems to combine the good points of these, and therefore Mr. Murphy has been asked to speak for himself on the program. However, most of these plans presented this year and last year do not lay emphasis sufficiently, it is thought, on training in case planning, *per se*. This the committee thinks should be the most important feature of any system of training probation officers. These systems all, however, represent a distinct aim in this direction which makes us realize that probation work is rapidly taking its place as a social case work science dealing with problems of human conduct. This brings us to

4. The case work conference plan recommended by this committee as a method of training developed by private social agencies even before the advent of the schools of social work. As was pointed out, it was the same method as that used in the law schools and would mean a study and analysis of model cases in order to ascertain, (a) the method of diagnosis, (b) plan of treatment, (c) method of treatment as carried out, (d) end results. Criticism of both plan and results are included in this mode of teaching. Lecturers on special topics, representatives of social agencies should be brought to these meetings. This brings us to a fifth factor in training the teacher, viz., the case supervisor.

5. The supervisor, if the work is done in the court, should be either a properly equipped chief probation officer or someone selected by him for the purpose, as is done in Washington, D. C., and in Philadelphia with the Domestic Relations Division, through the employment of a specially trained case-supervisor. The committee does not believe that it is possible to train all members of any given court staff if the staff is large, unless the process be thorough and gradual. The committee does not offer the academic plan suggested last year ex-

cept as a goal. It begs leave to offer one other suggestion. Certain workers, especially gifted or having a scientific turn of mind and yet wishing to do case work, should, if they are qualified, be given opportunity in psychiatric case work so that they can work with the court psychologist or psychiatrist as probation officers in an understanding way. There is no need to give all workers special training in psychiatry, but there should be enough workers on the staff to help in difficult problems especially in courts in the larger cities.

The members of the staff should obtain training wherever possible, but the useless study of general subjects such as penology, criminology, psychology is ill-advised unless they are related in the course of the study to the case problems in hand, and unless the worker has the ability to absorb the material to the advantage of his or her case-work. Emphasis in teaching should not be on general information and specific scientific knowledge, but on careful diagnosis, planning, insight, judgment. The committee does not however forget to look forward to the future, and feels it important to induce college students to look to probation work as a career, but feels that the basic need, apart from training, is life experience, personality, temperament, and a sense of justice. It feels that the tendency to take workers already trained in the field of private social work should be encouraged, since it will undoubtedly help to put probation work on a more scientific basis.

The aim of this report is to promote discussion rather than to present conclusions. The committee however leaves the report to the association with its opinion that probation work is social case work in a public agency—a court of justice, and that we will only succeed in our work if we recognize training as a requisite. The training should be part of the probation officer's equipment when he enters the job, but since it cannot always be so, it is our duty to provide facilities in the way of opportunity through schools of social work training, probation institutes, case conferences and case supervision.

The committee recommends that (1) for the ensuing year the committee collect model probation cases from all over the country, to be properly arranged and collated and reviewed by a group of case workers familiar with court problems. These cases the committee

on training should circulate for the benefit of judges and probation officers who do not as yet have such material available, and for the benefit of groups seeking to establish such courts. It is also suggested (2) that next year the committee present an outline of case study for court-workers, worked out in detail, for the benefit of probation officers and judges who might find them helpful.

TRAINING THE PROBATION OFFICER

DR. GEORGE W. KIRCHWEY

New York School of Social Work, New York City

There is no expert in the field of probation. The expert in law, in medicine, in engineering, in the mechanic or artistic crafts, is the person who is capable of selecting the immediate objective which contributes most directly and with the greatest economy of effort to his general aim and who has by experience acquired the technique to attain that objective surely and with the least loss of motion.

What probation officer has attained anything like this clarity of vision as to the thing to be done and the surest way of accomplishing it? Is it not true that, like the primitive artificer and medicine-man, the best of us still proceed by the method of trial and error, happy if we have made a hit, wondering how we have done it.

Now, I do not claim that an art cannot be produced in this fashion. Doubtless most if not all of our methods of dealing with the material world, even with the human body, reached a fair degree of efficiency, and expertness in this empirical way. Science, explaining, coordinating, projecting, comes later, though when it comes it enables a decade to do the work of a century in developing the art with which it is concerned. Can it be seriously contended that the work of the probation officer, the task of dealing constructively with human nature, has attained such a degree of efficiency as to justify us in calling it an *art*, or that the practitioner of it has acquired the ease and sureness of procedure that entitles him to claim the name of *expert*?

Let us look a little more closely into the nature of our problem.

I have referred to the work of the probation officer as being that of dealing constructively with human nature. But that doesn't carry us very far. Specifically we are accustomed to describe it as the task of adjusting or readjusting the individual delinquent to his environment. But that is a very blundering way of expressing our real aim. It may be that it is the environment and not the individual that needs to be readjusted. To adjust a man to the conditions of prison life, for example, may be the worst possible use we can put him to. This is, of course, generally recognized in the practice as well as the theory of probation. We don't send a convicted thief back to a den of thieves. But, as Professor Dewey has lately reminded us, what we fail to understand is that not only conduct but character itself is always and everywhere a matter of environment as well as of the personal qualities of the individual interacting with the environment. I am not referring to the obvious fact that environment exerts a modifying effect on character. What I am arguing is that there is no such thing as character apart from environment—that the latter is as much a part of character as are the personal qualities of the individual

Let me try to make my meaning clear by an illustration or two.

Looking at me as I stand here before you I am certainly a splendid type of the virtuous citizen. I am not only performing a virtuous act but I am inspired by motives of the most praiseworthy sort—a sincere desire to give utterance to the best that is in me, a perfectly unalloyed sense of professional and social responsibility. But let fate throw me, hungry and destitute on the beach at Waikiki, or into the bandit stronghold in China, or as a harried refugee in Anatolia and I fear you wouldn't recognize me as the paragon of virtue that you cannot fail to see in me now. There used to be a saying that the prayer of the good American was that after death he might go to Paris. The rich and respectable banker living decently and high-mindedly in his circle, finds himself in a neighboring city the careless associate of loose-living men and women. We say he was living a double life. The truth is that the singleness of the lives of most men and women is due to the fact that—for better or for worse—they are doomed to spend their whole lives under a single set or type of influences.

The hero of a recent brilliant novel, on the threshold of old age, after a conventionally well-spent life, remarked that "The worst thing about doing one's duty was that one got so that he couldn't do anything else"—a half-truth, true so long as he lived in the atmosphere of that round of duties, and no longer. Shift him to a wholly different environment with a new set of human relationships and a different standard of moral principles, and see what would become of the character so laboriously built up in the respectable circles of New York society!

The young tough, John Cavendish, who is serving his second term for highway robbery in Sing Sing, is a saint in prison and would be a saint in any company where saintliness was at a premium. As a member of the Gas-house gang, he was a typical gangster.

This may seem to you a digression and a long one, but it has its bearings on our problem. Its significance to me lies in the fact that, if this theory of what I may call the relativity of character is sound, it enormously complicates the problem of the probation officer. His study of human nature must become a study of the environment, not only as a means of forming or of transforming character, but as an essential element in character itself. You can't know the man unless you know him in every relationship to which he has reacted nor unless you have the vision to see him in still other, as yet unrealized relationships and the ability to calculate his reaction to them.

If I have in what I have thus far said emphasized the external factors of conduct, it is not because I under-value the internal, subjective, factors. We have given the lie to the maxim that "The man is known by his acts"—the acts by which the law and the community have judged him. But we must go beyond this negative conclusion and give it a positive meaning by bringing the hidden factors of personality to light. Until we have sounded the depths of our patient's unconscious mind we are only half-equipped to deal with him.

I should like to elaborate this phase of the problem as I have the external factor but I am conscious of the fact that I must draw my remarks to a conclusion. The conclusion of this matter is that, to elevate our trade into an art, we must add to the personal qualities of sympathy, insight, common sense and devotion, which every success-

ful social worker must possess, a scientific equipment of an unusual order. The science of human nature is still in its infancy and it may well be that the probation officer will be an important factor in developing it, but what there is of it we must make our own. The probation officer must be both psychologist and sociologist if he is to be fitted to interpret the interaction of the personal and the environmental factors which together make up what we call character. If he cannot in the nature of the case be also a psychiatrist and a psychoanalyst, he must understand enough of these sciences and their bearing on problems of conduct to estimate their value and invoke their aid for purpose of treatment as well as of diagnosis.

I do not believe that a complete equipment for the most effective work in the field of probation can be had without the addition of a psychiatrist who is also a psychoanalyst to every probation office.

With a background of such knowledge of biology, psychology and sociology, as is furnished by a good college course, the course of study should include at least the following subjects:

1. The Method of Social Case Work.
2. The Nature and Varieties of Human Behavior.
3. Psychopathology.
4. Criminal Psychology.
5. Criminology.
6. Criminal Law and Procedure.
7. Child Welfare.
8. Immigrant Problems.
9. Problems of Disease.
10. Leisure Time Problems.
11. Problems of the Probation Officer.
12. Field Work in Probation.

TRAINING PROBATION OFFICERS

JOSEPH P. MURPHY

Chief Probation Officer, Erie County, Buffalo

The work that is done in training probation officers in Buffalo is as yet crude and elementary. Nevertheless, I think that it has proven effective in giving our probation officers a better vision of probation as an integral part of the whole field of social work as well as giving them a better grasp upon the principles of case work. All salaried probation officers in New York State are appointed through the medium of a civil service list established by the state or municipal civil service commissions at the request of the appointing judges. The examination, through which the eligible list is created, is made up of questions based on probation laws, procedure and elementary principles of social case work. Thirty points are given for the written examination, while seventy points are set aside for education, personality and experience. We have found this to be a most effective means of securing a fairly good grade of probation officers. It has its disadvantages, but I believe, on the whole, they are outweighed by the advantages.

In arranging a program for the training of our probation officers on the job, I have tried to outline something that would be helpful both as to theory and practice. We hold staff meetings weekly, lasting usually an hour and sometimes one hour and a half. The meetings are conducted according to the following outline:

Short discussion of administrative problems; Four-minute talks by three probation officers on assigned subjects from current publications. (This usually consists of articles from the following magazines and publications: The Survey, Mental Hygiene, The Family, Journal of Delinquency, Journal of Criminal Law and Criminology, Journal of Sociology, Journal of Social Forces, and many other publications that contain articles pertinent to our work.)

Discussions of difficult cases (limited to 20 minutes) or a short talk of the same duration by an executive of a social agency or other organization on the objects and purposes

of the particular agency and how the probation department could cooperate.

Finally, discussion of a chapter of an assigned book on the theory of probation or social work.

At the present time we have under study a book entitled "An Introduction to the Science of Sociology" by Park and Burgess. We have also discussed "Penology in the United States" by Robinson, "Crime and Its Treatment" by Darrow, "Social Mission of Charity" by Kerby, "Social Diagnosis" and several other Russell Sage publications. We have just completed the study and discussion of the case studies issued by the Judge Baker Foundation up to date. A book now on the calendar for future study is the "Outline of Psychology" by McDougal. On other occasions we have discussed such subjects as Types of Criminals, Methods of Treatment in Prisons and Reformatories or the Proceedings of the State and National Conferences of Probation Officers and Social Workers. Occasionally we return to a short discussion of probation laws and procedure in our own state, so that we may keep informed in regard to these matters.

I have tried to build up a library of literature on social work, including all the helpful publications on probation, penology, criminology, etc. The bibliography sent out by the National Probation Association was very helpful to us in pointing out a number of helpful publications that we did not possess.

In addition to the things which I have outlined, the probation officers have taken other means of acquiring training in their profession. All of them have attended the extension course in sociology at the University of Buffalo, and last year the department cooperated with a number of other social agencies, through the medium of the Buffalo Council of Social Agencies, in conducting a case work institute which lasted for one week, under the direction of Dr. Edward T. Devine. This will be repeated again during the current year.

Another method through which we try to keep the probation officers informed about social conditions is through a study and dis-

cussion of the pamphlet written by Margaret Byington entitled "What Every Social Worker Should Know."

In order to give the officers a practical education in case work, we have adopted a procedure in writing up our case records which, I think, has proven very helpful to the officers. First of all our preliminary investigation is arranged under the following headings:

1. Offense
2. Complainant
3. General Information
 - (a) Mitigating or Aggravating Circumstances
 - (b) Antecedents, Family and Environment
 - (c) Education, Mentality, Habits and Associates
 - (d) Employment
 - (e) References
 - (f) Summary

The plan of case treatment is arranged under three divisions:

1. Assets
2. Liabilities
3. Objectives

The factors which make up the different divisions are ascertained from the following sources:

1. Economic Status
2. Health Status
3. Spiritual Status
4. Social and Community Relationships

Under this arrangement it is possible to check up intelligently the case histories and correct any errors in the plan or execution of the case work.

FEDERAL COURTS AND PROBATION*

HON. C. R. BRADFORD

Judge, Juvenile Court, Salt Lake City

This subject is of interest for the reason that probation is not used in Federal practice. The Supreme Court of the United States has held that Federal courts have no power to suspend sentence, and place offenders on probation. The question arose in the Killits case, decided

*Address at a Joint Session of the National Probation Association and the Big Brother and Big Sister Federation, at Washington, D. C., May 17, 1923.

December 4th, 1916. Mr. Chief Justice White delivered the opinion of the court.

The accused pleaded guilty to an indictment, charging him with embezzling money of a national bank of which he was an officer, and making false entries in his books. He was sentenced to imprisonment in the penitentiary for five years, this being the shortest term which could be imposed under the statute. Defendant's friends paid back all the money to the employers, and defendant so commended himself to the favor of his employers that they evinced a disposition to forgive his abuse of their confidence, and to support him against the punishment which the law provides. Except for this crime, his disposition, character and habits had so strongly commended him to his friends, acquaintances, and persons of his faith, that they were unanimous in the belief that the exposure and humiliation of his conviction was a sufficient punishment, and that he could be saved to the good of society if nothing further were done with him.

At once, at his request, over the objection of the United States district attorney, the court ordered that the execution of sentence be suspended during good behavior of defendant.

The case was appealed, and in its decision the Supreme Court held that the practice of suspending the execution of sentence, and the placing of offenders on probation, although it had been in practice for many years in certain sections of the country, is inconsistent with the constitution of the United States, and therefore unlawful. The court further stated that the fact that many persons (exceeding two thousand in number) who otherwise would be in prison, were then at large, as the result of the exercise of the power in the past, and that misery and anguish and miscarriage of justice would come to many innocent persons by declaring the practice illegal, presented a grave situation. The court also stated that as far as those conditions applied to persons at that time on probation, complete remedy could be offered by the exertion of the pardoning power, and that as to the future, solution could be had by recourse to Congress, whose legislative power on the subject is wholly and adequately complete.

The relief first mentioned was sought, and had. President Wilson issued a blanket executive order, granting pardon to some two thous-

and probationers. Congress has been appealed to at every session since this decision for relief of present and future conditions. The National Probation Association has had introduced, at each session of Congress, bills providing for probationary legislation, but up to the present time the bills have failed to pass. At the coming session of Congress a bill, which has been carefully prepared, will be introduced, and it is hoped that all friends of probation will get back of the bill, and support it.

Society's concern is its own protection. Inherently it possesses the right to protect itself, and to do anything and everything necessary and consistent to carry out this purpose. It can punish. It can fine, imprison, perhaps can kill, if circumstances warrant. The right of protection devolves duties upon individuals, and makes laws necessary. Throughout the centuries, laws have been passed in multitude, and we have now reached the peak in the complexity of social life. Penalties are provided for nearly everything under the sun, and law enforcement has often become vengeance. Men are often punished not so much for their own sins as to throw fright into the hearts of other men who might commit crime, in the hope that they will be deterred. Musty laws are provided for the conduct of the trial, and obsolete penalties are at hand to impose upon conviction. The offender is dealt with and disposed of with little thought of what he is, but on the basis of an act committed at a certain time and place. The judge does not consider, and cannot lawfully take into consideration, the human element, the character, the soul, the spirit of the man. The judge must resort to a horizontal application of the laws adopted by other men at other times and places. I have dealt here with extremes, but the jails of the county are full of extreme cases, and the poor fellows lying in filth and idleness, broken in spirit, broken in pride, with no longer public respect nor self respect, filled with hatred and revenge, wait for the time when they will be thrown into society to wreak their vengeance.

How many legislators who sit for days in comfort, prescribing penalties, fixing jail terms for acts which might be committed by somebody at some future time, at some place or other—how many of these men, I say, realize the true significance of what they do? How many of them have ever been inside of a jail, prison, or reformatory? How

many of those who have been in, have done more than walk through and smile in a patronizing manner at the inmates, or talk at them. "Not less than 30 days, nor more than 60 days", "Not less than one year, nor more than 20 years" in these schools and colleges of crime are echoes from the legislative halls. Have you ever read anything in a statute providing for accidental crime? Have you ever read in a statute any authority to sound the soul of a man? Did you ever hear of a statute authorizing society's agent to render encouragement to a brother broken in spirit, desperate, on the verge of despondency? Have you ever known the Federal court to proceed in the interest of an offender? The information reads, "The United States vs. the offender." "Vs" means "against" and believe me, it is no misnomer in our practice. *The United States of America against the offender.* What right, I ask, has the United States of America to be against any of her inhabitants?

Real criminals who have acquired an intimate knowledge of criminal procedure through being many times prosecuted now are able to secure acquittal, while others who are not familiar with the scheme are found guilty and go to prison, although they may have borne good reputation in their respective communities prior to the commission of the offence charged.

Recently a boy 18 years of age went before a Federal grand jury on the charge of highway robbery. He told a heart-rending story. He had been kicked out by a step-father, he said. He had been buffeted about in the world alone. Oftentimes he had gone hungry for days. He had been forced to sleep in parks, and in the cold along the highways. He had been greatly misunderstood. He wanted to go straight. His aspiration was to become a man of respect and good repute. His story was so impressive that the grand jury not only refused to indict him, but with tears in their eyes raised a small collection and gave it to him, with God's blessing, as he left the jury room.

Now the following statements are facts that were easily available to a probation officer or other official, had the procedure been concerned with the man rather than the act.

The boy had no step-father. He had broken the hearts of his real parents by a long series of vicious crimes. He had served terms in a

reformatory, and in a State prison. Like a vulture he had preyed upon the public. While held in the county jail for the grand jury, on account of his youth and innocent appearance he had been placed in the boy's ward with three other boys. He had engineered a plot to break jail. A leg had been taken off one of the sanitary cots, a hole dug nearly through the outside wall, a rope made from some of the bedding. In the dead of night it was planned to call the night guard, finish him with the cotleg, get his gun, scale the wall, and make good their escape.

Another boy faced the same grand jury. It was a new experience. He was in love with a girl, was engaged to marry her, but had no money. He went into a drug-store, which was also a branch post-office, held up the clerk and took money lying on the counter. Some of it belonged to the post office. He was nervous, and frightened out of his wits. To the grand jury he told his story, frankly and truthfully.

This boy was indicted, pleaded guilty in the court to the indictment and was sent to prison. The jury made no social investigation. It made no difference whether or not he had anyone interested in him to advise and help him live a clean and orderly life. He had committed a crime. He should go to jail. He is there now, and is likely still wondering what it is all about.

Good and bad are allowed to associate together in prisons. The same grand jury indicted a boy from a respectable home in the community. He was charged with stealing a letter from a private mail box in an apartment house. The letter contained a government check. He had endorsed the check, and cashed it. No social investigation was made, but the facts are these: The boy had never been known to be in trouble until after he came back from France. He had borne a good reputation, had behaved himself, was a graduate of a grade school, and had gone far into high school. His parents were reputable people. This boy was sent to Leavenworth. Another boy was there, from the same community. He had been a scapegoat from childhood. He had engaged in the saloon business, bootlegging, white slavery, traffic in drugs and narcotics. He was in prison for selling "dope." These boys from the same town had a community of interest. Is it unreason-

able to believe that they will get together, in close companionship, within the walls?

Prove the men. If they are criminals, immure them—if they are not criminals, save them. Probation is the solution.

A perpetual stream of humanity flows from society through our prisons, and out again into society. If this stream is contaminated when it flows in and contaminated when it flows out, no good has been accomplished. On the other hand, if it is found to contain more contamination as it flows out than when it flowed in, society has been injured. Would it not be better to divert a portion of this stream into channels where it could be purified? Iron fisted prosecutors and judges, and "hard-boiled" prison guards, may scoff at this idea, but the significance is nevertheless apparent.

Now let us see what machinery is used by the Federal government in the handling of the thousands of human beings that are convicted of crime. The government maintains, at an annual expense of over \$1,250,000, three penitentiaries, one at Atlanta, Georgia, one at Leavenworth, Kansas, and one at McNeil Island, Washington. In addition to these penitentiaries the government maintains two training schools, one for boys, one for girls, at Washington, D. C. In 1922, the average daily population of the three penitentiaries was nearly 5,000 persons. The treatment accorded the prisoners is not uniform. For instance, at Atlanta there is a cotton duck mill where the prisoners are allowed to work, and besides being given an opportunity to substitute habits of industry for their former habits of delinquency, they are permitted to earn some money for themselves and their dependents. Last year they earned \$60,000. This condition does not maintain at either of the other penitentiaries.

Many Federal prisoners are also annually sent to state institutions, and hundreds, principally misdemeanants, are placed in county jails. The treatment in these institutions is by no means uniform. For instance, in a county jail in Massachusetts, where the rational treatment of crime has been longest used, the jail may be satisfactory, proper care may be exercised in providing adequate ventilation and sanitation, the food may be suitable and the general spirit good, while in some other state, where the spirit of brotherly love and humanity is

not so manifest, the county jail may be over-run with vermin, cold and bleak, a filthy, vile-smelling den of iniquity. Yet both of these types of jails contain men committed from Federal courts.

It is safe to say that few if any of the thousands of Federal inmates of state, county and Federal institutions were given any diagnostic study before they went through the cell doors. Each was imprisoned because he had committed a crime, not because he was a criminal. All who commit crimes are not criminals. A cursory examination will reveal the fact that many who were torn from their families, and the families left to starve or hustle for themselves, could have been saved to useful citizenship, and left to perform the normal functions of free citizens, by the restraining and helpful hand of a probation officer.

I talked recently with one of our noted men, who had spent weary months as an inmate in a Federal prison. He was intelligent, and devoted much of his time to the study of the psychology of prison confinement. Of the many experiences he had to relate, the following to me is the saddest:

Many men with families were sent there, and in this particular case one father was alarmed at being taken from his family. He was their sole support. He loved his wife and children, and they were devoted to him. He looked forward with great anticipation to letters which came, at first, almost daily. As time went on, the letters dropped off, once a week, once a month they came, and then they stopped entirely. News reached him that his wife, broken in spirit, devoid of hope, and in destitution, had disappeared with another man, and his daughter, sixteen, to whom he was greatly devoted, had become an inmate of a bawdy house. His anguish drove him mad. What good can possibly come from such family wreckage? Can you look into the future and see the vision of the human destruction set in motion by this one act of "*The Law*"? Hatred is thus bred in the hearts of the unfortunate, it is expressed in a practical way when the prison doors are opened, and the desperate man emerges to collect his damages from society.

There is seldom any real need of sending to prison a man of family, if he loves the members of his family, and they love him.

Family devotion is a substantial foundation upon which to build and reconstruct an erring brother. No greater calamity can befall a boy or girl than to send his father to prison. While in prison, the father is a convict, and the boy and girl are children of a convict. When he is released, he is an ex-convict, and the boy and girl are children of an ex-convict. The finger of scorn is pointed at them, they are taunted at school—they are ridiculed wherever they go. Not even the government of the United States has a right to bring these conditions about. There is but one justification for depriving a person of his liberty, and that is, *that the person is dangerous to be at large*. Many so-called criminals need treatment, not punishment. Mental disorders, physical defects, bad bringing up, poor heritage, are some of the underlying causes of delinquency and crime. These conditions should be studied, properly diagnosed, and treated. Does the individual need a doctor, a surgeon, a probation officer, or a jailer? Questions like these are not considered by our present Federal system, and yet they are the vital questions to be determined in the handling of human beings.

Only small changes need be made in our laws to make possible this kind of treatment. It is proved to be feasible. In some states a real honest effort is now being made to care for the families of prisoners, and \$50.00, \$75.00 or even \$100.00 per month is paid to the families of these men. Prisoners are given an opportunity to work, and are paid for the labor, paid decently, not given alms. While in the custody of the state, a truly honest attempt is made to buoy up the spirit of the individual, to judiciously substitute correct habits for delinquent tendencies, and to inspire self-respect and individual and community responsibility. When this work of reconstruction is completed, and the man discharged into society, he is able to take his place as an orderly, law-abiding member.

Considered from a purely selfish standpoint, the people of the United States should demand suitable legislation to bring about these reforms. They should demand the passage of probation laws, whereby men can be studied and proved. It is not the intention in this address to appeal to sentimentality, nor to tolerate it in the handling of these serious problems. There are many men at large, preying upon the public, robbing, stealing, killing, who should be permanently

immured, but, on the other hand there are thousands of men in prison who should never have been placed there, and whose imprisonment could have been prevented, and the public interests safeguarded, by rational treatment.

It cannot be contradicted that millions of the public money are annually wasted in the handling of crime by thoughtless and wanton methods, and during these years of retrenchment this waste should be stopped. Just one example, taken from the report of the Attorney General of the United States for the year 1922, is here in point: The 5,000 men in Federal prisons produced for themselves in 1922, \$60,000, at a cost to the government for maintenance of \$1,818,000. Less than one thousand parolees earned for themselves more than \$500,000, beside in some cases board and lodging, and profits from farm crops, at an expense to the government of little more than \$8,000. If men paroled from prison can accomplish this, many of the same men can be kept out of prison, and accomplish more.

Our system is wrong. We must humanize our Federal jurisprudence, we must deal with men as human beings, and not as things. Suspended sentences, probation, social investigations, clinical treatment, must and will be introduced into the system of the future. State practice has already demonstrated its value. I appeal to you to unite with the National Probation Association in a determined campaign to secure the passage of our proposed probation law, which should be the first step in a remodeling of our system of punishment. Go to your Congressman in your district. See your Senators. Tell them about conditions that now maintain. The national government is lagging behind, it should set the example and lead the way.

PROBATION LAWS AND COURT DECISIONS: 1923*

Report of the Committee

CHARLES T. WALKER, *Chairman*

*Probation Officer in Charge, Juvenile Division,
Municipal Court, Philadelphia*

This report is submitted as the result of a questionnaire sent out to the various state secretaries of the National Probation Association and to the attorney generals of the various states. Thirty-three states passed legislation directly affecting probation, juvenile or domestic relations courts, during 1923. The remaining states either had no legislative sessions or passed no such legislation so far as we have ascertained.

Arkansas

Authorizing Circuit Court to suspend sentence in any criminal case with conditions as to probation in the discretion of the judge. Act 76.

It was made a felony instead of a misdemeanor for a man to desert his wife and leave the state, in order to facilitate extradition.

California

Several local acts passed providing for the appointment of probation officers or increasing their salaries.

The adult probation law was amended to deny probation to those guilty of certain felonies where defendant was armed with a deadly weapon, or had been previously convicted of such felony, or to public officials guilty of embezzlement of public funds, etc. Ch. 144.

Supreme Court decision rendered in favor of the Juvenile Court of Alameda County concerning the right of said court to direct the father of a minor child to contribute to its support when the

*The report has been corrected to include all legislation enacted in 1923 that has come to our attention up to December 1st, 1923. —Editor.

parents are divorced, with the custody of the child vested in the mother.

Colorado

Age for juvenile delinquency raised from the seventeenth to eighteenth birthday. Ch. 75.

Age for dependent and neglected child raised from the seventeenth to eighteenth birthday. Juvenile court may order payment of allowances to mothers six months before or after childbirth, to be paid by county commissioners. Ch. 77.

Juvenile court of Denver may be called the "Family Court." Act amended to strengthen the court. Ch. 78.

Contributory delinquency and dependency law strengthened, providing for criminal action and probation.

Connecticut

A juvenile court may commit a neglected child to a temporary home to remain until 18. Ch. 184.

Compensation of probation officers increased to not exceeding \$10 a day in cities of 50,000 or over; in other cities and towns to not exceeding \$6; in juvenile courts to not over \$10 a day. Ch. 79.

Providing for appeals from the juvenile courts. Ch. 269.

Delaware

Two new laws affecting juvenile courts:

1. Extending jurisdiction of the juvenile court, making its jurisdiction over children exclusive throughout the county instead of only for the city of Wilmington. Providing that courts throughout the state may remand children to the juvenile court at Wilmington for trial. Ch. 227.

2. Appropriating \$24,000 for new detention home (juvenile) for the state and \$8,000 for maintenance. Ch. 228.

Two new laws have been enacted affecting parole:

1. Parole allowed adult prisoners from work-

house after serving one-half sentence or 15 years under certain conditions.

Granting parole to persons found guilty in city court and creating the position of parole officer.

Hawaii

Board of Supervisors directed to purchase old residence for a detention home or shelter; \$20,000 appropriated. (Act 244)

Idaho

Authorizing the appointment of additional probation officers in certain counties. Ch. 16.

Illinois

Authorizing the juvenile court to order payments by county to accredited associations for support of dependent and neglected children placed by the court. p. 180.

Act fixing new salary grades for probation officers in various counties. p. 828.

Indiana

Two new laws affecting juvenile courts:

1. Provides for appointment of a referee in Lake County, which has a population of 156,000 and where heretofore the circuit court judge has acted as juvenile court judge. Ch. 35.

2. County boards of children's guardians made mandatory. Appointment of board members assigned to the juvenile court judge. Juvenile court given power to grant aid to mothers with dependent children, and mother protected against removal of such children without further order of the court. Ch. 61.

Act providing that 60 days must elapse after issuance of summons before any trial for divorce can take place.

Kansas

Providing that county commissioners in counties of over 20,000 population may provide detention homes or juvenile farms for children under 18 in the custody of the juvenile court and must do so if carried by a popular election. Ch. 108.

Providing for submitting to vote of the people the question of establishing a juvenile farm for boys and one for girls in counties containing cities of 70,000. Ch. 114.

Maine

Method of appointing probation officers changed. The governor, by and with the consent of the council, may appoint one or more probation officers in any county where needed, except in Cumberland County (Portland), where officers are already appointed. Compensation is fixed by the county commissioners. Ch. 6.

Massachusetts

Providing that in all criminal trials involving minors under 17 in cases involving sex or bastardy the general public shall be excluded. Ch. 251.

Resolution adopted providing for an inquiry as to the results of probation by the Massachusetts Commission on Probation. \$4,000 appropriated. Ch. 55.

The Supreme Court has rendered a decision denying the right of appeal from a suspended sentence. *Moriano vs. Hibbard*.

Michigan

General revision of the Juvenile Court Act. Woman referees provided. Exclusive jurisdiction of children under 17 granted to Juvenile Court, but power given to court to transfer in its discretion children over 15 charged with felonies. Ch. 105.

Revision of section of Juvenile Court Act relating to mothers' pensions. Ch. 294.

Minnesota

Act defining the powers and duties and fixing the salaries of probation officers in Ramsey County (St. Paul). Ch. 289.

Act creating additional judge of District Court for the Fourth Judicial District (Minneapolis), to have juvenile court assignment. Ch. 387.

Missouri

Act raising juvenile court age from 17 to 18 in

counties of 50,000 or more population. p. 153.

Another act passed raises the maximum age of girls to be committed to the State Industrial Home from 17 to 18 years. A similar act was passed, relating to negro girls committed to the Industrial Home at Tipton. White girls under the age of 12 are placed under the control of the State Board of Charities and Corrections. p. 127, 128.

Provision for appointment of referees in counties of less than 50,000 eliminated. Any circuit judge may be called in. p. 181.

Judicial decisions upholding the constitutionality and jurisdiction of the Court of Domestic Relations of St. Louis, of which the Juvenile Court is a division, were handed down both by the Supreme Court and the Court of Appeals.

Montana

Juvenile court act amended, providing that children may be taken before justices and police magistrates for examination only. Ch. 52.

Nebraska

Amendment relative to the number of juvenile court probation officers in counties of 50,000 to 100,000 population, making the number of officers two instead of three and fixing their salaries at not over \$1800 for the chief and \$1500 for the assistant. (Approved April 18, 1923)

New Hampshire

Amendment to parole law, providing for parole on serving two-thirds of minimum sentence if minimum sentence is three years.

New Jersey

Act giving judges of county courts the right to appoint as many probation officers as necessary to carry on the work properly. (Heretofore the legislature limited the number.)

Juvenile courts are given authority to recall from State Home for Girls and State Home for

Boys children committed thereto, any time up to six months after original sentence.

New York

Concurrent jurisdiction given to lower criminal courts and children's courts to try cases of adults under the compulsory education law. Ch. 207.

Girls between 16 and 21 may be adjudged "wayward minors" and dealt with by probation or commitment. Ch. 868.

North Dakota

Abandoned children made subject to jurisdiction of juvenile court. p. 120.

At trial of minors under 18 courtroom shall be cleared of all except those having a direct interest. No. 190.

Ohio

A new court of domestic relations established for Lucas County (Toledo). (Approved April 24, 1923)

Juvenile court given concurrent jurisdiction with justices of the peace in bastardy proceedings. H. B. 190.

It has been the practice of juvenile courts in Ohio in prosecuting adults charged with contributing to the delinquency of minors to bring the child into court and declare him a delinquent before prosecuting the adult for contributing. The Court of Appeals of Hamilton County held that this is not necessary.

Oklahoma

Act providing for medical and hospital care of children at public expense where parents are unable to provide same. Juvenile court given jurisdiction. Ch. 105.

Amendment in cases of abandonment of wife and children, giving Governor power to parole before or after sentence, upon recommendation of trial judge, with bond and support order. Senate Bill 200.

Oregon

General amendments to juvenile court act. Chs. 100, 216.

Pennsylvania

Act providing for payment of expenses of probation and parole officers to attend the State Conference of Probation and Parole Officers and providing for payment of membership dues therein. No. 170.

Act authorizing probation officers of any juvenile court in counties of the first class to attend sessions of the grand jury when boys under 16 or girls under 21 are present. No. 410.

Allegheny County (Pittsburgh) Juvenile Court given exclusive jurisdiction over dependent, neglected and delinquent children. No. 208.

Juvenile Court throughout the state given exclusive jurisdiction of juvenile delinquency. No. 345.

Providing for the commitment of crippled children by the juvenile court. No. 276.

Act requiring that applications for parole of adults shall be made in open court on petition instead of in judges' chambers.

Rhode Island

Act classing habitual truants and school offenders as delinquents, subject to the juvenile court. Ch. 2334.

South Carolina

Act creating children's courts in counties having a population of between 90,000 and 100,000 (Spartanburg) and regulating the procedure therein. Exclusive jurisdiction over children to 18 years, adult contributory and bastardy. Paid probation officer provided. No. 148.

South Dakota

No sentence may be suspended except for first offense. In liquor cases no sentence may be suspended.

Texas

Act creating a court of record in Bowie County

(Texarkana), with juvenile court jurisdiction. Ch. 69.

Utah

Act creating a "Corporation Court" in Port Arthur, with juvenile court jurisdiction. Ch. 48.

First adult probation law enacted, providing for suspension of sentence in criminal cases when compatible with public interest, and placement on probation for such period as the court shall determine. The court may subsequently increase or decrease the probation period and may revoke or modify any condition of probation. While on probation the defendant may be required to pay in one or several sums any fine imposed at the time of being placed on probation, may be required to make restitution or reparation to the aggrieved party or parties for the actual damages or losses caused by the offense for which conviction was had, and may be required to provide for the support of his wife or others for whose support he may be legally liable. (H. B. No. 142. Approved March 12.)

Vermont

Act creating a State Department of Public Welfare and vesting therein the powers and duties of the former State Board of Charities and Probation. The Commissioner of Public Welfare made State Probation Officer. (H. 41.)

Virginia

Court decision to the effect that if specified time is not stated, a person cannot be held on parole or probation for more than the maximum period for which he could have been sentenced.

Wisconsin

Amendment relating to disposition of dependent and neglected children. Juvenile court may commit to institution or association or may place on probation the child or the parents. Ch. 174.

STATE AID TO PROBATION

Report of the Committee

MRS. CARINA C. WARRINGTON, *Chairman*

State Probation Officer, Indiana

The various states having any form of state supervision were divided among the several members of the Committee, each member being given his own state and one other upon which to report. Reports were thus made on all these States with the exception of Rhode Island. Since the information gained in each instance has been from some person connected with the work of supervision in the several States I feel that the most valuable way in which to present the subject matter is to as far as possible give the excerpts from the statements of those who have been so intimately connected with the work:

Alabama:—Report prepared and submitted by Lemuel B. Green, Court Field Agent, Child Welfare Department, Montgomery, Alabama.

"In Alabama we have no official supervision of probation work. However, under the clause in the law which requires us to 'Advise with judges and probation officers' we do visit the organized juvenile courts from time to time and discuss with the judges and probation officers, such problems as they have on hand, and also look over their records and methods of work, so that, in an informal way, we are actually supervising probation work, and in this we have met with no opposition whatsoever. On such visits I have frequently gone out on cases with probation officers, as well as discussing these matters with them in the office. Reports on such visits to the juvenile courts are made in writing and filed in this office. The most extensive piece of work of this kind that has been done is the visit to the Mobile Court. In addition to this informal

supervision through visitation, the law requires the judges of juvenile courts to report to us all cases handled in such courts and requires the probate judges to report all adoptions. These reports are rendered monthly on forms which we furnish.

"We are asking the legislature to give us supervision over the work of all probation and parole officers in the state, including the certification of such officers, and to prevent the court from employing any officer not so certificated. The judges all seem to be in sympathy with this amendment. In fact, since the establishment of the Child Welfare Department, no juvenile courts have employed probation officers without our approval of the person so appointed, except that early this week a new probate judge filled a vacancy caused by death without consulting us.

"Except in juvenile courts we have no probation in Alabama, nor has the Convict Department any parole system, parole in Alabama meaning, that a man is released unless some evil report is made of him. There is absolutely no supervision. However, the legislature is being asked to make some provision for a parole system. I see no hope for an adult probation law at this time."

Arkansas:—Report by Katherine A. Gibson, State Supervisor of Juvenile Courts, Little Rock, Arkansas.

"July 1st, 1921, the State Commission of Charities and Corrections undertook the supervision of the existing juvenile courts and the organization of new courts in the counties where there was great need for juvenile probation work. Because the statutes providing for these courts are not mandatory it has been necessary to create public sentiment for such a court before the county judge, who is also the juvenile judge, could be made to realize the necessity or even importance of the work. This has been the general method of procedure, though it is only fair to say that in a few cases the county judges themselves have reached the conclusion that they really needed juvenile probation service for their respective counties.

"According to the statutes the appointment of probation officers is not entirely in the hands of the judges. The law makes pro-

vision for an honorary board, consisting of six citizens, both men and women. This board is appointed by the county judge. My first definite step in a county is to get this board appointed. Sometimes this is not difficult, at other times the judge refuses to appoint such a board, stating that there is no need for it. On such occasion I must wait for a new judge or arouse enough public sentiment to change the attitude of the present incumbent. It is not usually a wise step to 'force' a court where the judge frankly opposes it, since he is the head of the juvenile court.

"Where I succeed in getting the board appointed I make it a rule to meet with them, acting as temporary chairman. Permanent officers are then elected, the purpose of the board explained and the nature of the work outlined. It then becomes the duty of this board to recommend to the judge the person who is to be appointed probation officer. In certain counties where the courts have been organized without state aid, the probation officers were appointed without the existence of a board at all. This is contrary to the statutes and has usually resulted in the work's assuming the form of a 'political job' rather than a program intended to be of individual benefit to dependent, neglected and delinquent children."

California:—Report by J. C. Astredo, Chief Probation Officer, San Francisco, California.

"The situation in California is as set forth in the report of last year. The State Board of Charities and Corrections requires reports from the probation officers of the various counties of the state concerning their activities as to the care accorded children in detention homes and in the general conduct of their work."

Connecticut:—Report by R. R. Townroe, Juvenile Court Field Agent.*

"The Connecticut General Assembly of 1921 constituted a system of juvenile courts in all cities, towns and boroughs where there were city, police, town or borough courts—Chap. 336, Section 2, Public Acts of 1921. These courts began to function on January 1st, 1922. The juvenile courts exercise jurisdiction within

*Adult probation work in the state has been supervised generally for many years by the Connecticut Prison Association.

the same territories and with the same officials as the city, police, town and borough courts. A large proportion of the children of the rural communities do not have the benefit of the juvenile courts, since there are one hundred and sixty-eight townships in the state but only forty-three juvenile courts. In other words, there are large portions of the state where no city, town, borough or police courts have jurisdiction, and therefore in those sections there are no juvenile courts. We hope eventually to have juvenile courts extended so as to reach all the children of the state.

"The juvenile court probation officers are appointed by the judges of the respective juvenile courts, and in a number of towns these probation officers have other occupations.

"The Commissioner of Child Welfare became Chief Juvenile Court Probation Officer by the following provision of the law:

'Chapter 807, Section 7, Public Acts of 1921. The commissioner shall be the chief juvenile court probation officer of the state and may supervise the probation officers of such courts and assist such courts in such work. He may make recommendations to such officers, furnish standard forms or blanks for the preliminary investigation and the records and reports of such work, and may from time to time call such officers into conference for the improvement and standardization of such probation service, and subject to the approval of such courts, he may instruct and direct such probation officers in their duties.'

"The Department of Public Welfare has appointed, on the recommendation of the Commissioner of Child Welfare, a juvenile court field agent, whose exclusive duty is to assist the juvenile courts in difficult cases and also to give instructions to the juvenile court probation officers: this field agent reports directly to the Chief Juvenile Court Probation Officer.

"One of the first duties of the Department of Public Welfare was to make up a set of forms for the use of the juvenile court probation officers in their work."

Georgia:—Report by Rhoda Kaufman, Acting Secretary, Department of Public Welfare, Atlanta, Georgia.

"The work of state supervision is under the Department of Public Welfare. Its work is not administrative but consists of visitations, examinations and reporting. It is planning to require annual reports and to compile statistics but so far this has not been done.

"Two years ago there were juvenile courts in only eight of one hundred and sixty counties in the state. The Department has succeeded in getting judges designated in one hundred and eight counties at the time this report was compiled. This Department is working to increase the number of paid probation officers."

Indiana:—Report by Mrs. Carina C. Warrington, State Probation Officer, Indiana.

"The state supervision of probation in Indiana is under the head of the State Probation Department which consists of a State Probation Officer and a State Advisory Juvenile Commission.

"The state laws provide for a juvenile court in every county but in 81 counties out of the 92 the appointment of a local probation officer is optional.

"It is further provided by law that adult misdemeanants may be placed in charge of the probation officer, when sentence is suspended, but in case of a felony the one whose sentence is suspended is automatically placed in care of the parole officer from the institution to which he was committed. In a few courts, however, even these latter cases are given into the care of the probation officer in addition to the supervision of the parole officials.

"In those counties where there are separate criminal courts the law provides for a probation clerk, who in most instances does little but collect fines and is not strictly speaking a probation officer. Several of our municipal courts also have probation officers.

"All probation officers both adult and juvenile are under the supervision of the State Probation Officer and none can be appointed without her approval. This is not true however of the probation clerks.

"The State Probation Department went into operation May 31st, 1921, and since that time practically every county in the state has

been visited and with few exceptions all the judges have been interviewed.

"Agencies and various associations and individuals dealing with children or welfare problems have been consulted and their cooperation obtained for promoting probation work.

"Monthly report blanks have been prepared, the various officers instructed in their use and all courts supplied. From these reprints we compile our statistics. We have also prepared and furnished forms of affidavits and record sheets for investigations and probation work to be kept in the local officers' files.

"The commitments to one of our state juvenile institutions were decreased by forty (40) during this last year, a saving of nearly twelve thousand (\$12,000) dollars, half of which is borne by the State and one half by the county sending the children. This great decrease is accredited to more efficient probation officers and a better understanding of the needs of the individual on trial both by the judge and the officer.

"This department publishes a monthly bulletin, which is sent out to all judges, probation officers and to an additional mailing list of 800. We have also sent a number of leaflets on the subject of probation to both judges and probation officers.

"The State Probation Officer has made in the neighborhood of 40 public speeches beside being called in for consultations and private conferences many times since the creation of the State Department.

"All of this work of supervision, education and publicity has been accomplished on an appropriation for the department of \$8,000 a year of which last year we spent \$6,704 turning back into the general fund approximately \$1,300 unexpended balance. We feel sure State supervision is a success in Indiana both from a humanitarian and from an economic standpoint."

Massachusetts:—Report by Herbert C. Parsons, Secretary and Deputy Commissioner, Massachusetts Commission on Probation, Boston, Mass.:

"The Commission on Probation has general supervision of the

probation officers in all the courts of the state. Every criminal court has at least one probation officer, including the primary (district and municipal) courts and the Superior Court, which is a general court of appeals, with original jurisdiction by indictment, and is the jury court. The justice of each court may appoint such probation officers as he deems necessary. The officers are responsible to their judges and may be removed by them.

"The Commission was created in 1908. It has five members appointed by the Chief Justice of the Superior Court who serve five years. It has power to prescribe records to be kept by the probation officers and to require such reports as it may deem necessary. It has only advisory powers beyond these items but is charged with the responsibility of coordinating the work and promoting exchange of information between the officers. It may hold conferences of probation officers and of the judges, and the courts are required to pay the expense of attendance.

"Under its advisory authority, the commission, through its deputy commissioner, is in close contact with the courts. It practically defines the policies to be followed. While having no power over appointments, it is usually taken into counsel by the judges, through the deputy commissioner. The Superior Court always and the lower courts usually send candidates for appointment to the Commission's office for examination or the deputy commissioner sits with the judge in examination. It recommends removal if cause exists.

"A bureau of criminal records is maintained by the Commission, to which the courts of Boston and adjoining territory report daily the full information as to each person arraigned, which is filed and compiled as to each offender. These records are available to the courts, and have come to be relied upon for information. Records are now supplied at the rate of over 80,000 a year, chiefly by telephone in the early part of each day. It is expected that this clearing of records will soon be extended to the entire state.

"The legislature makes annual appropriation for the commission. The present budget is about \$18,000, exclusive of rental and heat, light and janitor service which are supplied by the county of Suffolk."

New York:—Report by Frederick A. Moran, Secretary of the New York State Probation Commission, Albany, N. Y.

"The New York State Probation Commission was created in 1907, and is authorized by law to exercise general supervision over the work of probation officers, to keep informed as to their work, to improve and extend the probation system, to collect and publish information thereon and to make recommendations.

"The Commission is composed of seven members, four of whom are appointed by the Governor for terms of four years; one is designated by the State Board of Charities, one by the State Prison Commission and the Commissioner of Education is a member *ex-officio*. This Commission, which is unpaid, is authorized to employ a secretary and other employees. Its methods of work are as follows:

"1. From the start it has carried on local campaigns to introduce and extend probation work. In these the cooperation of local judges, lawyers, clergymen, social workers, women's clubs, and other organizations and individuals interested have been freely used. Meetings have been held and newspaper publicity freely availed of. The campaigns have usually come to a focus in hearings before city councils and county boards of supervisors at which appropriations for salaries and expenses of probation officers have been asked and obtained.

"2. Investigation and standardization of the probation work has been carried on throughout the State. Agents of the Commission endeavor to visit all the more important probation officers in the State once a year, the others as frequently as possible. Following these visits and investigations written reports containing recommendations are sent to the Judges, probation officers and the public fiscal authorities. The recommendations have to do with better standards of work, adequate records and needed extensions of the service. Information is also collected by correspondence and reports from the probation officers. Detailed written reports are required from every probation officer in the state, both salaried and volunteer, each month.

"3. The Commission carried on much work to educate probation officers and the public in the proper use of the probation system, and in the improvement of probation methods. It publishes thirty-eight

varieties of blank forms and record books, forming a complete system of probation officers' records. These are distributed free to probation officers, especially those just starting their work. It publishes an annual report containing complete statistics on the use of probation and much educational material, a manual for probation officers which is a complete text book on the laws and methods of probation. In addition it has published a large number of educational pamphlets and leaflets. It has conducted every year at least two state conferences, one for probation officers and the other for the judges of the inferior courts. The proceedings of these conferences are published and widely distributed.

"4. The commission has supported much legislation for improving the probation system, and prevented the passage of legislation that would injure it. Among other laws obtained was that authorizing county probation officers to serve not only in the higher courts but in the courts of towns and villages, thereby establishing, for the first time in the state, rural probation. It has promoted laws establishing children's courts and courts of domestic relations, and extending the use of probation in felony cases.

"5. It has secured the placing of all probation officers in the state under the civil service and has cooperated very closely with the State Civil Service Commission in a majority of all examinations for probation officers. It has constantly recommended the use of the oral examination at which personality and experience can be properly judged and has assisted in conducting a large majority of the oral examinations held in the state.

"6. During the 1922 session of the legislature an act was passed establishing in fifty-three of the sixty-two counties in the State, county children's courts. The Commission has taken an active part in bringing to the attention of judges accepted standards of children's courts in other states, and has supplied information regarding forms and records, detention homes, court procedure, and has assisted a number of probation officers in establishing adequate record systems. In this work the members of the staff visit the office of the probation officer and spend several days explaining to the probation officers record making and record keeping. The Commission is planning

an extensive study of the actual operations of the children's courts in various counties of the state."

North Carolina:—Report by Ray M. Brown, Bureau of Institutional Supervision, Department of Public Welfare:

"Probation work in North Carolina is still very young and except in the case of juveniles is as yet but little developed.

"Under our plan of public welfare the county superintendent of public welfare is also chief probation officer. As such he has the supervision of both adult and juvenile probation. Except in a few of the counties with larger cities, he is the only probation officer. He has numerous other duties to perform. Forty-six counties have full time superintendents of public welfare; eleven have part time officials; and 43 require the work to be done from the office of the county superintendent of schools. Nevertheless, in the field of juvenile probation especially, we are making, we believe, a creditable showing."

Oregon:—Report by Frances S. Hays, Field Representative of the Child Welfare Commission, Portland, Oregon:

"There is no supervision of juvenile courts in Oregon with the exception of a law requiring the approval of the Child Welfare Commission for the appointment of probation officers in Multnomah County only. The last legislature however passed the following resolution:

"That the governor of this State appoint a committee of not less than five nor more than seven, to be composed of educational, social and economic experts and public spirited citizens, to make a study of the welfare problems now delegated to the county courts, with recommendations to the Governor as to the most efficient method of handling them, and of coordinating and standardizing the work of the counties of the state in the interests of efficiency and economy, said study to begin not later than April 1, 1923, and to be completed not later than January 1, 1924; such committee to serve without compensation.

"Oregon is hoping that the survey made by this commission and the recommendations made to the governor will bring greater efficiency and better understanding in the handling of children's cases."

Pennsylvania:—Report by Margaret Steel Moss, Assistant Director, Department of Public Welfare, Bureau of Children, Harrisburg, Pa.:

“The Department shall have supervision over . . . all institutions, associations and societies within this Commonwealth into whose care the custody of delinquent, dependent or neglected children may be committed.”

“While there is no probation or parole commission empowered to supervise the probation officers of the state, on the strength of the paragraph quoted above, it was deemed fitting and desirable at least to develop a close relation with the juvenile probation officers of the state.

“For this purpose a personal visitation was made to every county of the state, and juvenile court judges and juvenile probation officers were personally interviewed, detention facilities examined and every effort made for a thorough understanding of the juvenile court procedure of each county. To strengthen the contacts thus made a monthly mimeographed bulletin has been distributed to judges and probation officers called ‘Hello Central’ which is designed to keep everyone connected with the field of juvenile delinquency in the state acquainted with any developments. One issue of the Common Weal, the monthly folder issued by the Department of Public Welfare, was devoted to the subject of juvenile delinquency and was given a broad, state-wide circulation.

“Although lacking the clearly defined powers of a probation commission, the bureau of children has been able through the plan here described to create very strong bonds with the juvenile courts and probation officers. Considering the fact that there has been no standardizing authority, there is, of course, a woeful lack of standards in this important phase of child welfare, but the beginning that has been made seems hopeful.”

Utah:—Report by Hon. C. R. Bradford, Judge of the Juvenile Court, Salt Lake City, Utah:

“Juvenile Court work including juvenile probation in the State of Utah is under the control of the State Juvenile Court Commission.

The Commission consists of the Governor, Attorney General and State Superintendent of Schools.

"The Commission has a paid secretary who attends to the detail work. There are seven judicial districts in the state and for each of these districts there is appointed a judge and one or more probation officers, depending on the population.

"The Commission appoints all judges and all probation officers. The law provides that the chief probation officer and judge may recommend appointments, but the Commission alone can appoint.

"The law also provides that the judge and chief probation officer shall furnish the Commission with a detail report of the work monthly. This must include the number of cases handled in court, the number handled out of court, the number settled in the home, age of all offenders, their nationality, recidivism. The report must include also financial report of all fines, and forfeitures, and sums received from delinquent fathers and others for family support. These reports are compiled by the Secretary of the Commission and a summary published every biennium.

"The last legislature which met last January passed an adult probation law, empowering criminal courts in their discretion when compatible with public interest to suspend the imposition or execution of sentence and place the defendant on probation. It also empowers the court to require the defendant to make restitution to the aggrieved party of all damage done (actual damage) and to provide and care for his dependents."

Virginia:—Report compiled and submitted by Charles L. Chute, General Secretary, National Probation Association, New York City:

"The State Board of Public Welfare in Virginia, under the general probation law, is required to conduct examinations or inquiries as to the fitness of applicants for appointment as probation officers, and to make recommendations thereon to the proper courts; to prepare standard forms for the use of probation officers, and in general to supervise and foster probation work in the state.

"The general probation law of Virginia, which contains the above provisions, was drafted by the National Probation Association, and

is considered by them perhaps the most advanced law in the country, in the matter of state regulation of probation.

"Under this law, the State Board has been very active in promoting probation work, especially in the juvenile and domestic relations courts. A two weeks' study of this work by the writer, in which twelve counties and as many cities were visited in company with a field agent of the State Board, showed that the Board is in touch with the judges, probation officers and social workers in each county, aiding them to extend and improve probation work.

"Except for the counties containing the larger cities, the work is in its infancy. Until last year, there were only two separately organized juvenile and domestic relations courts, with headquarters in Richmond and Norfolk. In 1922, the law requiring separate juvenile and domestic relations courts was extended to every county in the entire state.

"The State Board is securing the appointment of special judges for these courts, and is assisting and instructing the new judges, urging them to appoint probation officers whom it recommends. When a probation officer is appointed, the State Board sends a set of blanks for records and its agent visits the officer as soon as possible, assisting in securing cooperation and, what is most important, in securing salaries, a matter which is up to the county commissioners in each county.

"As far as I could ascertain, the State Board, although it has considerable power of supervision and control of appointments of probation officers, has exercised this power wisely, working along the lines of cooperation and encouragement rather than coercion. Its relation to the judges and probation officers seems to be most friendly. It publishes a monthly bulletin, which is sent to all judges and probation officers, and which devotes considerable space to their work. Its field agent visits all of the 100 counties of the state from time to time, helping to start and develop the work."

Vermont:—Report by Herbert C. Parsons.

"Vermont formerly had a State Board of Charities and Probation, whose secretary was state probation officer, who appointed

assistant officers over the state. In 1923 this Board was abolished and its duties, including the supervision of probation, transferred to a new Department of Public Welfare."

Wisconsin:—Report by B. M. Jostad, State Probation Officer.

"The State Board of Control of Wisconsin has supervision over all charitable and penal institutions of the state, and also over all county institutions of all description, as well as parole and adult probation work in the higher courts.

"For every adult probation case under the supervision of this Board a custodian is appointed who has authority over the case,—power being delegated by law. Hence if we have 800 cases on probation, outside of Milwaukee county, we would have 800 custodians of them. All cases originating in Milwaukee County, which contains a city of 500,000 people, are directly under the supervision of the Municipal Court, Judge A. C. Backus, but the law empowers the State Board of Control to call on Milwaukee County to submit such probation reports as in its judgment appears necessary and advisable."

It will be observed that while all of the above states have been listed as states having state supervision as a matter of fact there are but few of them that have the supervision except in name.

It is noticeable that there are two methods of handling the work of state supervision: by creating a separate department to handle that work only; by making a sub-department in an already existing board or commission. In general we might say, basing our opinion upon the above reports, that the former method is producing the best results. In certain instances, particularly in Pennsylvania and Virginia, the second method has proven successful. It is safe to say that unless some form of supervision for probation work and for juvenile courts is established in a state the rural districts and counties having small towns and communities will not receive the benefit of the already accepted laws upon the statute books of the state dealing with these subjects. It is necessary that there be some person with authority who shall bring to the various communities the message of probation and by making surveys

in these communities and coming into personal contact with the authorities in them, awaken the people and the authorities to their needs and to the ways provided for handling them, thereby developing an understanding of the advantages of a good probation system and of the value to children and to the community of an adequately functioning juvenile court.

DISCUSSION

MARGARET STEEL MOSS,

Assistant Director, Bureau of Children, Harrisburg, Pa.

State supervision of probation work should include at least an acquaintance with the institutional facilities for handling delinquent children. A great many difficulties can be avoided when there is mutual understanding between the institution and probation groups and the state supervisor is in a particularly strategic position for interpreting these two groups to each other.

In Pennsylvania there is no legal sanction for state supervision of probation such as is lodged in probation commissions of other states, but the Bureau of Children has found it expedient to become acquainted with what the juvenile courts are doing and this has developed into a very close relationship with the juvenile court judges and probation officers of the various counties and several of the judges have already turned to the Bureau for help with specific problems.

The use of the term "State Aid" rather than "Supervision" is to be preferred, carrying with it the idea of helping the local workers rather than chasing after them with a big stick. State workers should also realize that they have much to learn from the local workers as well as to give. After all, state supervision is successful only insofar as the probation officers feel strengthened and helped by it, and are able thereby to better serve those in their care.

PAPERS

PRESENTED
AT THE

SPECIAL FALL CONFERENCE
OF THE
ASSOCIATION

IN CONNECTION
WITH THE

AMERICAN PRISON CONGRESS
BOSTON, SEPTEMBER 13-17, 1923



SOME CAUSES OF DELINQUENCY IN CHILDREN

ELIZABETH E. FARRELL

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I believe it is a truism to say that in any great public school system there is represented in its population every type of delinquency in its incipency. However, we do not call it delinquency. In civilized communities we do not call those children who hold up other children and take away their pennies highway robbers, but the fact remains that they are doing the thing that later in life will be called highway robbery. We do not call a child who assaults another viciously, perhaps with sharpened instruments, a person guilty of felonious assault. Yet in every great school system there are children who every week are charged with such action. The only crime that I can think of that isn't committed by school children is bigamy.

Now I would not have you believe that I want to denominate wrong doings of children as crimes punishable under the law. Crime is a habit. The thing which in adult life is called crime has had its inception in some maladjustment which is the basis of the abortive behavior we call crime. We know how difficult it is to break a habit; we know also the function of habit in life. If that habit structure which boys and girls build up through the years is the wrong habit structure, if it is a habit structure that makes them antagonistic to society, then the courts and the probation officers and all the machinery of justice is set in operation in order to get them to do the right thing. In terms of habit structure this means that they try to effect a change in habit.

There are many who believe that the only hope for most of the criminal group lies in prevention; that if we allow boys and girls to grow up with this wrong habit structure then we shall have men and women with wrong habit structures, and they are the antagonistic group in the social whole. Efforts are made then to cure what

we in the schools have not prevented. The task is many times harder than the task that the school can carry through to a successful issue if it will but undertake this as its main function.

The school must be regarded as a great laboratory where is made a great experiment in living. It should be considered in no other way. In your community and mine we have made the mistake of thinking that the school which costs so much money in all of our large cities is there for the purpose of handing on knowledge. In the words of President Butler, most of us consider school as the place where the spiritual inheritance of mankind is handed on to the young of the race. We must get far away from this matter of handing on, from the idea that attendance upon school is for the purpose of the acquisition of knowledge. Knowledge is secondary. Arnold at Rugby knew the real purpose of formal education. Horace Mann knew. But we, when education came to be provided for all the children of all the people, kept the same curriculum, the same method of instruction, the same type of organization as existed and was used at the time when education was only for a selected group. The classical school of today, the high school of today is the direct inheritance from the middle ages. We are asking every child to read, to write and to cipher; but the school for which I stand sponsor and which I would see come for every child is the school as a laboratory; where the teacher is the observing naturalist; where the children are active, living, moving human beings; where the teacher instead of being the person who possesses the torch of spiritual inheritance, is the person who stands aside as the Steinmetz of the General Electric and watches what happens in different situations. The school based upon science is the only right school; the teacher who is trained scientifically is the only person who can in this age develop for the child, not a body of knowledge, but a body of attitudes and habits which we denominate character. In such a school the prevention of delinquency is a real thing. It can be done. It is being done in hundreds of schools in this country; not in the great school supported by huge public funds, but by those experimental schools where men and women, scientifically trained, realize that if the world is to

be better because of education, the educational opportunity, as formerly conceived, must be changed.

As mentioned before in any great public school system there are found the beginnings of almost all the crimes which men and women in later life seek to overcome in their more unfortunate brothers. I have in mind a wayward little girl nine years of age, of foreign parentage, a good home, who was a tramp if ever a tramp lived, who was an outcast if ever an outcast lived, outcast because of herself, because she always wanted to see,—pushed on by something that almost nobody understood. This went on for two years. She was committed by a court twice during that time. Finally the court realized there was no use committing her again. Something else had to be done, and so she came to the school clinic. After painstaking work over many days it was found that eighteen months previously the child had had a very serious illness and had been at the door of death. Careful investigation revealed the fact that in all probability this child at the time had suffered from encephalitis and that her disturbed conduct was a direct result of that illness. It was not the visitation of Providence that caused this little girl to wander off and be a tramp. It was something more easily understood than that. It was a physical process, a pathological process in the organism that resulted in those manifestations. This child was a sick child, not a bad child. Instead of the protective, a reform school, this child found refuge in a hospital and there under the care of devoted men and women we hope that in another eighteen months she may be able to go back into the community and not any longer be the tramp child she was when she was found.

A little boy only twelve years old playing in the streets in the great City of Brooklyn, was run down by a heavy motor truck and maimed in the most unspeakable way. The doctors in one of our great hospitals labored with him and saved him, but saved him only at the cost of operation after operation. Eight times that boy went under the surgeon's knife and eight times some part of his body was left on that table. He lived, only to realize within a few short months, when it came time for all the boys to go down to the swimming pool, or to the beach to bathe, that his maimed and broken

body was the subject of ridicule and scorn from his fellows. And what did he do? He was helpless. Nobody had prepared him on the spiritual side for this almost inevitable experience. His parents never dreamed that it would be possible for children to laugh at one afflicted as he was. What did he do? He set himself against the whole group and tried to master every one of them. After fighting one after another he was finally beaten. He had to give up and this passion of his which did not achieve satisfaction turned inward into regrets, into a feeling that he hadn't had a square deal; why didn't they let him die when he was injured so? Why did they keep him alive if his life was to be of this kind. Playing in the streets because the great City of New York provided no other place for him to play, owing to the neglect of the larger social group, he had to live his maimed and wounded life. He became the terror of his neighborhood. His attitude toward other boys and girls was due primarily to the fact that his life had been saved. Those of us who heard this boy cry, "Why didn't they let me die?" "Why did they keep me alive?", will never forget it. It was clear that if this boy was to be saved, the work was to be founded not upon his delinquency, but upon his misfortune. Again into a great hospital this boy went where the attempt is being made, and I am sure it will be successful, to re-educate him and help him to live with what he has. The personality within him will be rebuilt in order that he may live successfully and well with a body maimed through no fault of his.

In each of these cases we believe we have delinquency at its very beginning; we have gotten the attitudes when they were in the process of formation and we believe that in these two cases we are preventing the birth of an adult criminal.

There is one other mistake that we make, we grown-up people in the community, and that mistake leads to much difficulty in life,—the mistake of allowing children to grow up with the knowledge that we believe they can do things that are far beyond them. We hand on ideals for children that are oftentimes quite beyond their reach. In one of the high schools in my city there is a child who is struggling to complete her high school work because she wants to be a teacher. In the early primary grades some teacher encour-

aged her to this ambition. Her own family seconded this more or less laudable idea. The girl failed, not once, not one year, but many years, having repeated over and over again the work in each school term until she now finds herself building up a habit structure of failure. She is unable to relinquish the ideal she has cherished so long. She is unable to say to herself "I will not be a teacher; I will be a filing clerk" (she would be a very good filing clerk); but no! She still clings to the idea that some day she will be a teacher of children. All that is ahead of that girl is failure, and the day is coming when the burden of failure will be so great, as to be unbearable. In just what way this girl will break nobody knows but that she will break is practically certain.

The function of the school in this particular case is to educate her to the idea that there is other work in the world, that there are other fields of usefulness. The problem now is a problem of re-education. It should have been a problem of education. The school of the future, the school founded upon science, the school in which the teacher is the observing naturalist, will be a place where mistakes of this kind cannot be made.

In our great school system in New York with its million school children, thousands of teachers and hundreds of school administrators, such work is being increasingly developed. In what other school system in this country will you find a group of a quarter of a hundred persons whose only business in life is understanding children? Where else will you find in any school system in this country or abroad a group of persons whose only concern is problem children? With its fifty thousand truants and another thirty thousand incorrigible boys and girls, even a quarter of a hundred workers is not a drop in the bucket, but the quarter of a hundred workers whose concern is with problem children is only a promise of the future. It is only the pointer in the direction in which New York is moving. We hope without long years of delay to bring to the raw material that goes into the schools of the City of New York that same careful scientific study that is given in all great industries to the raw material which goes into them. We look forward to the time when every child entering a school will be

known in a way that science alone can know human material. We want to know and we must know which of all the six year old children entering school this September we can help before damage is done; which of them we can train in such a way as to prevent the development of delinquency. A year ago at this time we had this information for six of our schools. We knew that out of the eleven hundred children there were four hundred who should go to play schools, for whom no first grade was possible at that time. We knew there were three hundred of those children who could do more than the first grade work. We knew that the great majority, the middle group in that eleven hundred odd, would make average progress through the grades. What has it meant in terms of the prevention of conduct disorder? It has meant that in the four hundred children who were fit for play schools but not for what we call the regular school not one case of truancy has developed. In a similar number in neighboring schools, entering without this classification, truancy has already begun. If municipalities will provide the funds and the scientific workers for this necessary department of the school system incipient delinquency will be prevented.

My point is that delinquency is genetic; that it has a beginning so infinitesimal that it is hard to discover; that it grows day by day, week by week and not until the damage is very obvious do we with our dull eyes know that it exists. My plea is that since through the school system we may discover the beginning of practically every crime that is recognized, let us in that school system establish machinery in the nature of the educational clinic, which will ferret out the beginnings of wrong adaptations. Give the school a chance to do the thing which the community thinks it is doing,—that is to form in its children that body of habits and of attitudes necessary for successful living. Delinquency can be traced to real causes. Not all of them are physical; not all of them are social; but they are all there, and they are all in little children. Crime doesn't just happen. Crime is a habit.

KNOWING YOUR INDIVIDUAL

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If I were asked to day what has been the main lesson learned after a very considerable experience in studying the case of children and young people who have shown delinquent tendencies and in following their careers, I think I would say that we still haven't enough understanding of the individual, of what we are trying to do in our work with him, on probation or in institutions, in court work or on parole.

We can readily review what progress we have made in these matters; there is our work for delinquents in connection with schools; there is our development of the juvenile court system and of our various institutions for the treatment of delinquency; and there is our probation and parole work. This all has to do with the situation, the situation in which the young offender is found or is placed.

On the other hand, how much advance have we been making in our understanding of the human material we are dealing with. In every other science and in business, almost the first concern is conceived to be the understanding of the materials with which one is working.

Coming up to one of these meetings an eminent student of sociology and one of the best known authorities on penology said to me, "Doctor, don't you know that in social science we are three hundred years behind the other sciences, such as physics, for instance." And I thought of the infinite pains that are taken in the physical sciences to understand the nature and properties of materials worked with, to say nothing about the nature of matter itself; the number of research workers that investigate electric phenomena, for example; and how we honor them! And then how few individuals are giving themselves devotedly and with a spirit of research to understanding

the problems of human conduct that are much more vital to the human race and to civilization. Consider the ramifications of human conduct all the way from the petty delinquencies of the child to the conduct problems of politics, diplomacy, war—how little is the study given to these great matters. Aren't we three hundred years behind the times?

Take for example the case of the individual who is showing delinquent tendencies in early life. The question of course to ask is,—“Why does that individual have such inclinations and tendencies; why does he succumb to certain social stresses, to certain temptations which arise in his inner life? What are his vulnerable points?” As the situation exists, as we see the conduct tendencies recently beginning in this individual or having existed for some time, we need an analysis of it. But so far what have we done by way of developing this sort of commonsense study? What does the considerable movement on foot for better study of delinquents represent? Well, some time ago we started out looking at the individual delinquent from the standpoint of his general physical condition; then we began to study him somewhat from a mental standpoint, particularly concerning possible mental defects as over against normalities; still later we introduced another method, the viewpoint of the psychiatrist who thinks of the individual in more dynamic terms, in terms of what tends to make him do as he does, in terms of the abnormal behavior that is seen in mental troubles. Then we are developing the study of personality as it bears upon the individual's life problems,—the sort of thing that was undertaken superficially on a large scale in the army personnel work. Most of this represents mere beginnings and very little of it has filtered through to the practical workers with delinquents.

Only too frequently the whole matter, however, resolves itself into mere classification. The individual is looked over and is said to be this or that; he is said to be physically undersized, or strong; he is said to be normal, or to have this or that intelligence quotient, or to be a constitutional inferior, or to be psychopathic, and so on. Now that is an interesting matter as far as it goes, but unfortunately for the purposes of those who have to handle such problems—and

I speak now of men who are handling large numbers of incorrigible individuals in institutions, or of judges who have to decide about individuals, and of probation officers—unfortunately this classification business doesn't do much for them in the large majority of cases.

In the first place let me call your attention to the fact that there are many individuals who have various physical defects who make good in the world. It is shown statistically, and of course we know examples of eminent and able men who haven't had very able bodies. And then their idea that there was a very high correlation between mental defect and delinquency has been discarded particularly on account of the army findings that showed that a vast number of individuals who were leading very normal lives would be classified by mental tests as defective individuals.

As we have made better studies and used more unselected material, we have come to know there are individuals who have tremendously good character traits who are out and out defective individuals; plenty of them. Of course that is the finding of the social service work that is done in some of the institutions, particularly in the East, where defective individuals are given a certain amount of training, are placed out again, and are demonstrating their ability to carry on their lives in fairly good fashion.

One trouble all the way through has been the idea that we could isolate an individual from his social surroundings, observe him apart from his family tendencies, apart from his group tendencies, and his group psychology, and then could arrive at an understanding of him. That is one of the greatest mistakes any one can perpetrate anywhere in science. It is just as true in studying plant life as it is in studying human beings. The influence of surroundings upon the individual is always tremendous, and so it comes about that the next step one has to consider in all this matter is the psychology of the surroundings of the individual.

Still another matter that one wants over and over to take up is that of the mental experiences, the inner life of the individual, what that individual has passed through mentally, what are his ideas, what are his mental habits, his way of looking at things. And so

we are led to study the individual from the standpoint of the development of his early mental life, of the experiences he has been through, of the knowledge that has come to him. There are hundreds of ways in which all of us have our ideas influenced for the good as well as for the bad. That is the sort of thing that must be known if one is going to get anywhere in the understanding of the individual for the purpose not merely of explaining his delinquency, but for the matter of bringing out the best in him and putting him into a situation in which he is going to make a better adjustment of his life.

The questions which we should put to ourselves are these: "Here is this individual; how does he measure up; what made him behave in this way; what will tend to make him behave in a different way?"

But we mustn't become cranks and account for too much of the trouble by some theory for one time we were all much taken with the adenoid theory, and another time with the defective eyesight theory; another time much delinquency was due to congenital syphilis. But then we find that there are many individuals who have very bad posture and adenoids, who have been victims of congenital disease, but who have still not developed bad conduct tendencies. I bring this out by way of illustration, speaking now of the physical side as previously I spoke of mental defectives.

It is the proper sort of understanding of causation that we are after. It isn't merely an understanding in mechanistic terms that we want, although we are willing to accept all that we can, but it is an understanding of a great deal more of the background. But I do grant that some deep understanding does seem to have been gained by intuition. There are workers with young people, with adolescents, and with children, who sometimes achieve marvelous results by means of sympathetic insight. They understand the individual from a sympathetic standpoint rather than from a standpoint of deep and thoughtful understanding. But even such work, however, can have a wider appreciation and be done even better if we get a greater body of knowledge concerning this whole matter. We cannot all have that very delicate intuition that some women,

particularly, and fewer men present. And such workers, after all, are very rare.

We have attempted to make clear what is a requisite for good work in the Judge Baker Foundation Case Studies which we have issued for you all to read. Take a simple illustration: Here is your boy, who is quite an upstanding fellow physically and of very good mentality, very well regarded in his group, quite loyal to his group. This boy is a distinct failure on probation. He goes home and is a failure there. He gets into another very serious delinquency and as a result has to be sent to an institution. Out at the institution he does well enough. He is sent from the institution back home and he is immediately a failure again on parole. Well, could it have been foreseen? In many, many cases it certainly could. If one had dug down into the mental life of this given fellow, one would have realized that his attitude toward his social surroundings, toward his given group made it fairly impossible for him to keep out of difficulty in those surroundings on probation or on parole. The treatment given at the institution was nothing to the point whatever if it did not remove him from given circumstances. The individual of course wasn't going to get up in court and say,— "Well the trouble with me is I never can make good as long as I associate with A. or B. or C." Perhaps he doesn't really know it.

It isn't the mere physical surroundings, but it is the reaction of mind on mind and the development of ideation in these individuals with a tendency toward delinquency that we must understand. One sees some astonishing affairs that make us open our eyes to the difficulties of and need for early understanding. There is a boy in one of the Western penitentiaries at the present time of whom I have known for twelve years or so. During these years in the institutions in which he has been placed he has had most inadequate treatment because nobody really knew him. Here is this boy whom we saw when he was twelve years of age, just as nice a round-faced American boy as could be found anywhere. After a runaway and stealing episode he deliberately said, "I am going to be a bad man." He rankles in my mind as a terrible failure because I didn't understand enough about those things then and because society doesn't

make the slightest attempt to understand such problems. He started out at twelve years of age, a perfectly normal, clean boy and says, "I am going to be a bad man," and he has been ever since. One could cite cases that show a vast number of variations upon the central theme,—the great necessity for individual understanding of individual cases.

One great trouble in our method always is the crystalization of our human endeavor into system, into formulation. For example, the formulation of the idea of the juvenile court. Develop the juvenile court we say to ourselves, have a judge and probation officers and then individuals who are showing delinquent tendencies will be brought into the system and suddenly they shall be made good. To what extent the juvenile court system as such is effective is an open question. We are making some studies that do not seem to prove by any manner of means that the juvenile court alone or the probation system alone is turning the boy from delinquency. With the establishment of Elmira, America was the originator of the reformatory system. Here we had the "big American idea," to use the American slang, of the reformation of individuals, yet here we are with our reformatories the worst crime-ridden country in the world today. There is something the matter with the situation and always will be in matters that have to do with human conduct problems, with their infinite variety of origins and causes, as long as we try to handle those things by system and not by close attention to the specific problems which individuals present.

I think that the work that is being done by devoted men and women in institutions and in probation and parole work is fine. But it is being done under such tremendous disadvantages because there is so little leeway for individual adjustments. There are very few institutions where studies of the individual are undertaken and there is very little opportunity, anyhow, to add anything to treatment. Much better work, of course, can be done under probation, but where a probation officer has as many individuals to look after as most have, it is almost impossible to follow up the needs of individual cases.

And why not expend more for studies? Why not more for development of better methods of studies? Why not have more scien-

tific people coming into this field? Why not get better students of human problems into the field of probation and give probation officers the chance of having fewer cases to handle?

More scientific, thorough-going, sympathetic knowledge and study of what makes and what breaks the individual is the sort of thing we must have to make progress in this field. We need it, for the development of better protection to society. Very, very few individuals begin their criminal careers in adult life. Some of you know the studies we have made on that point. For economic reasons, we need these better understandings for the sake of getting our work in handling these individuals better done at a smaller cost per individual. The cost of some of the individuals who may not have been handled rightly mounts up into tens of thousands of dollars per individual as their career goes on.

Our work is properly to be developed along the lines of forward-looking, right-minded, human engineering. We must take ourselves seriously and understand our human materials and causes better. The promise of the future in our work is very great if it is undertaken with anything like the same effort that is made in other fields of science and business. But we have not as yet taken ourselves seriously enough and we are still a long, long way behind in our work,—in the development of the science of knowing causes, of predicting outcomes, and of dealing with situations where human conduct is the issue.

STANDARDS OF JUVENILE AND DOMESTIC RELATIONS COURTS

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After two years of work by the Children's Bureau's Advisory Committee on Juvenile Court Standards, a statement of principles that should govern juvenile court organization and administration has been adopted. The committee which drafted the "standards," and the conference which last spring approved them, recognized that—far from being the law and the gospel for all time—they simply represent the prevailing opinion at present, and are based on procedure that here and there has proved to be practicable.

It often happens that a community regards its own existing practice as the criterion of good procedure. This is well illustrated in the question of the jurisdiction of the juvenile court. Probably there are few people in New York State who would be willing at this time to agree to the age recommendation found in the standards, believing that the New York State limit of 16 years is the only rational one. In Minnesota and Washington, the existing age limit of 18 years would probably find general support, while Californians will tell you that there should be at least concurrent jurisdiction until 21 years. The same situation exists with reference to other subjects over which the standards committee has struggled, for example, dependency jurisdiction. Massachusetts cannot understand the attitude of the Middle West on this question. The answer is, of course, that in Massachusetts and some other States there have been available for handling dependency cases public agencies well equipped for the work, while in some other States the court seemed the most effective agency to deal with these cases. You will notice that the standards do not make the recommendation that so-called mothers' pensions should be granted

by juvenile courts, but this should by no means be construed to imply that this form of assistance to dependent children has not been excellently administered by many. Jurisdiction in this class of cases is a good illustration of a situation where expediency rather than logic was required for the good of the cause.

In studying the standards with a view to the difficulties involved in their application, they may be divided into three or four groups, as follows:

1. Those requiring change in existing court systems or in procedure specified by law. There may be differences of opinion as to the extent to which these standards can be applied in the near future. But it should be borne in mind that the ideal is not necessarily limited by what is immediately practicable. In order to secure comprehensive jurisdiction, changes in fundamental laws may be essential.

2. Standards with reference to procedure, which will be readily agreed to, but which require the understanding and cooperation of such agencies as police departments to make them effective.

3. Standards with reference to the technique of case study and treatment which for the present must in most courts be regarded as goals towards which to work. The public will have to be educated to the necessity of developing adequate resources, both in the court itself and in other agencies which render the court service, before the standards can be fully applied. This is particularly true of the recommendations made concerning psychiatric and psychological study and with reference to the disposition of cases.

4. Standards with reference to the organization and methods of the probation staff, which, given appropriations permitting adequate numbers of workers and fair salaries, are within the control of the judge and chief probation officer. Illustrations of this are the standards with reference to social investigation, hearing, probation, and records.

The subject assigned me includes discussion of domestic relations courts. At the outset I am confronted by the fact that the term "domestic relations court" or "family court," as the National Proba-

tion Association a few years ago voted to call courts dealing with family problems, is variously used. In 1917 the report of the committee on courts of domestic relations, of the National Probation Association, recommended that "Family Courts" be established, having jurisdiction over desertion and non-support cases, paternity cases, all matters under acts pertaining to the juvenile court, adoption and guardianship, divorce and alimony. Yet in New York City the Domestic Relations Court has jurisdiction only over cases contributing to delinquency or dependency and over desertion and non-support, not including non-support of illegitimate children; the Portland, Oregon Domestic Relations Court is in reality a juvenile court having jurisdiction over delinquency and dependency cases, adoption cases, and concurrent jurisdiction in cases of non-support and desertion. The three Ohio domestic relations courts have broader jurisdiction than others of this name, but they have only concurrent jurisdiction in non-support cases.

The movement toward the merging of juvenile jurisdiction and jurisdiction over other types of family cases is the natural result of the extension and improvement in social investigation which results in the child before the court being viewed as a member of a family group and not as an isolated individual; and conversely, in realization of the interests of the children as well as of the parents in controversy in domestic relations cases. What we really mean by the domestic relations court movement is the socialization of procedure in family cases so that it will be on a par with the methods developed by the juvenile court and the coordination of all judicial activities which may concern the problems of a single family.

The juvenile court standards contain no recommendation for or against the establishment of a unified family court. They do, however, recognize the importance of clothing the tribunal dealing with juvenile cases with sufficient power so that it may reach all the circumstances surrounding a child which may require the intervention of the State through judicial machinery. To this end, it is recommended that the court have exclusive jurisdiction over the following classes of cases:

- (a) Children alleged to have violated laws or ordinances, or whose conduct or associations are alleged to have rendered them in need of the care and protection of the State.
- (b) Children whose custody is to be determined by reason of their being in need of protection and supervision.
- (c) Adoption cases.
- (d) Children in need of protection or custodial care by reason of mental defect or disorder.
- (e) Violations of school attendance laws.
- (f) Contributing to delinquency or dependency.
- (g) Non-support or desertion of minor children.
- (h) The determination of paternity and the support of children born out of wedlock.

It thus appears that a juvenile court coming fully up to this standard would be in effect a family court except that it would not have divorce jurisdiction or jurisdiction over family controversies where children were not concerned—non-support of wife, for instance. It is interesting to note that the present New York County Juvenile Court Act, applying to all counties in New York State with the exception of New York City and a few others, are practically in accord with these standards, having, however, concurrent jurisdiction in some instances instead of exclusive.

The advantages of such broad jurisdiction as outlined include (a) the more effective and more immediate application of various types of remedies in behalf of the child—for instance, the supervision of the child as a delinquent, the exercise of compulsion on the parents through contributing to delinquency proceedings and non-support action; and (b) the availability of social machinery such as that developed by the juvenile court for all cases affecting children. The desirability of such a method has been demonstrated by cooperative arrangements whereby investigations with reference to the custody of children in divorce cases or the welfare of children in adoption cases are made by the juvenile court having jurisdiction. A third advantage is that supervision in all these types of cases may be carried out with a view to the welfare of the children.

The practical difficulties in the way of unified jurisdiction often appear to be very great, especially in large cities. To my mind successful work may be attained through several methods of organization, as illustrated by existing practice. There may be the enlarged juvenile court—as appears to be contemplated by the “Standards,” and following the example of juvenile courts such as those in Denver, the District of Columbia, and the present county juvenile court system in New York State. There may be a combined juvenile and domestic relations court, as in Cincinnati and Richmond. The two may be divisions of one large court, as in Philadelphia, or coordinate branches of the same court system and having the same judge—as in St. Louis. But may we be preserved from the development of so-called “Domestic Relations Courts” such as one I visited recently (Chicago)—nothing but the name; no investigation or supervision; the hearings were not even humanized, to say nothing of being socialized. The important thing is that there should be coordination of records; preferably the same judge, perhaps aided by a referee, unless the court is large enough to require more than one judge; a probation staff, even though it may be large enough to permit specialization, under one chief probation officer who unifies the service; and, above all, the same ideals of constructive social service.

An argument against the placing of non-support and contributing to delinquency jurisdiction in the juvenile court is that it will necessitate criminal procedure in these cases, including jury trials. Experience in courts which have had this type of jurisdiction has shown that it is not a detriment to the work in children's cases, but is a distinct advantage in dealing with certain types of neglect and dependency. It is obvious that children's cases would continue to be heard separately, and by the same method as now existing in juvenile courts of limited or board jurisdiction.

A danger to be guarded against is the overloading of the juvenile judge by adding other types of jurisdiction and expecting an inadequate probation staff to carry a greatly enlarged task. Increases in jurisdiction should not be at the expense of quality of work. The referee system can be effectively used to relieve the judge. There

is greater danger that the volume of social work of the court will be neglected.

I have dwelt upon the jurisdiction of the court because that subject is perhaps the most difficult upon which to reach general agreement. Jurisdiction can less readily be modified than can procedure or the technique of social case work. If all the other standards could be applied, and similar standards worked out and adopted by all courts dealing with family problems, the jurisdictional problem might perhaps be considered of secondary importance.

Examples of standards where the court is mainly dependent upon community resources or general public understanding of the importance of furnishing the court with adequate facilities, are those with reference to psychological and psychiatric studies of the child, and those with reference to the disposition of cases. In the course of a study of ten juvenile courts made by the Children's Bureau it was found that only three of the courts studied—Boston, Seattle and Washington—had been able to provide facilities which permitted any expert study of the child other than intelligence tests to determine the mental age-level—and in two of these three courts such service had been discontinued shortly before this inquiry was made.

Except for remedial physical work that was carried on by some of the other courts—notably in Minneapolis—the Boston court was the only one of the ten that had the advantage of follow-up work by the persons making the study of the child. All cases studied by the Judge Baker Foundation were followed up if possible within six months after the study had been made. The probation officers and the social agencies having charge of the children were expected to report progress, and the social investigators on the foundation staff made visits in cases not under care of the court or of social agencies. Case conferences were held with representatives of the agencies from time to time, each conference being concerned with the cases under care of a single agency. A follow-up card system was maintained, providing for monthly entries. Different colors were used for different types of cases. The recommendations were entered on the top of the card and the adjustments, month by month, below. Special follow-up studies were also made.

The number of probation officers was in most courts recognized as inadequate. In one court, for instance, it was stated by the chief probation officer that from three to five more probation officers were needed for work with children, and three more for work with adults. In two courts, in each of which there was only one woman probation officer, the need for another woman was urgent. An additional man to relieve the chief probation officer and an additional woman probation officer were stated as the needs of a third court. In one court which had a large number of probation officers, who were nevertheless carrying too many cases, a better organization of the staff and more intensive case work seemed to offer a remedy.

In all but two of the courts emphasis was placed on the need for more adequate provision for delinquent children who did not require commitment to the available state institutions. Even where public intermediate institutions were provided, it was felt that the need was not fully met. Two courts, for instance, each of which had available a school for the training of the more promising delinquent girls, felt the need for a county institution which would take girls more seriously delinquent or mentally subnormal, whom the court did not wish to commit to a state institution. In connection with the court in Los Angeles a permanent "vacation camp" has since been established for neurotic or psychopathic girls; it is supported by private funds. Another court, which depended upon expert placing in family homes for care of an intermediate grade, felt that enlarged facilities for the placing of delinquent boys were needed. A fourth court had available no intermediate institutions and no means for expert placing of difficult children. The judge of a fifth court which utilized private institutions for care of an intermediate grade felt that such provision should be under public auspices. Inadequate provision for the unmarried mother and for girls with venereal disease was felt in one court to present a serious problem.

In all but one court State institutional provision for delinquent children seemed to be inadequate in one or more respects, such as overcrowding which made proper segregation impossible, inadequate parole work, refusal of institutions to accept certain type of children, location of a state institution too far from the city in which the court

was located, and in one court entire absence of any State institution devoted entirely to delinquent children, and in another absence of any such institution for delinquent boys.

Inadequate provision for the care of mental defectives created difficult problems in nearly all the courts. Louisiana had made no public provision for the feeble-minded, and the one private institution in the State received girls only and had a capacity of 30. In another State the waiting list of the school for the feeble-minded was so long that the court which was included in the study sometimes was forced to utilize for children a city sanitarium for the insane. In Los Angeles the system of boarding homes for the feeble-minded seemed to be meeting the needs fairly well, but the psychologist of the court felt that the establishment of a small institution for psychopathic children was desirable. No institution for the feeble-minded had been established in the District of Columbia, and such children as were provided for, were boarded in institutions outside the District, or were placed in boarding homes by the board of children's guardians.

For the care of dependent children many of the courts had available a considerable number of agencies and institutions of various types. In the District of Columbia some method of supervision of dependent and neglected children in their own homes, and of public aid for such children, was greatly needed. Some of the courts studied were committing to institutions practically all dependent and neglected children who had to be provided for outside their own homes. In these communities placing-out had been little developed, except for placing in free homes with a view to adoption.

One of the court's needs, as revealed in the Bureau's juvenile court study, is that for case supervision which will make possible the recommendation found in the "Standards" that a definite plan for constructive work, even though it be tentative, should be made and recorded in each case and should be checked up at least monthly in conference with the chief probation officer or other supervisor. This is a matter within the control of the administrative officers of the court. The failure to make definite plans for meeting the needs disclosed in each case was in most of the courts studied one of the most serious weaknesses found to exist. Periodic review of cases was some-

what more frequent, but in four of the courts supervision of case work consisted mainly in consultation with the chief probation officer or other supervisor when special difficulties arose and conferences at other times which were not held systematically at regular intervals.

Of the courts studied, those of San Francisco and the District of Columbia had worked out the most effective methods of supervision of case work. The District of Columbia system was described in full by the case supervisor of that court at the meeting of the National Probation Association held last May.

One of the most important aspects of the work of the juvenile court is its relation to other social agencies in the community. The "Standards" had recognized the importance of close cooperation between the court and other agencies. The court in the large city where there are available social agencies equipped for child protection and constructive work with families has a task far different from that of the court in the community where there is no organized social action for child protection. Yet some such courts fail to see the possibilities of cooperation with existing agencies. These courts attempt to assume the whole responsibility for protective and constructive work, as well as the duties of studying the cases that come before them, discovering the treatment best adapted to the needs of each child, and providing probationary supervision. The court should recognize its place in the child-welfare program of the community, utilize the agencies available, and let itself be understood and used by them. The real danger in the court's assumption of too wide a range of preventive and constructive activities lies in the almost inevitable neglect of its own immediate field of work.

THE PLACE OF PROBATION IN CRIMINAL ADMINISTRATION

HON. EDWARD F. HANIFY

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An invitation to discuss in this national convention a subject of no little importance is an honor highly appreciated by a member of the judiciary.

Your committee, in inviting me, must have had in mind that in the City of Fall River, whence I come, there stands a striking monument to our probation system. In 1897, when the prison population of Massachusetts was at its very height, the Legislature authorized our County Commissioners to erect a jail and house of correction at a cost of \$130,000 and the following year added \$10,000 more to this sum. When completed in 1899 the effect of placing persons convicted of crime on probation was already manifest, with the result that never has a prisoner been committed to its walls. After standing vacant for several years, its needlessness became so apparent that it was finally sold to the City of Fall River, to be converted into a City Home. And now, thanks to the splendid results of probation, it serves a better purpose in sheltering and caring for the aged, infirm and needy poor.

And your committee had perhaps also learned of the recent abandonment of Taunton jail, another of our county institutions, thus leaving but one house of correction, at New Bedford, for Bristol County with its population of 360,000, and that less than half filled.

I am not altogether imaginative when I remind you that before the days of modern probation our criminal administration was less efficient, less expert and less human than a cash register and lacked the accuracy and even the soul of an adding machine. It was then that we were accustomed to depict Justice by the figure of a stately lady blindfolded and holding the scales in her hand. The advent of the probation system removed the bandage from her eyes, breathed life into her unemotional body and made her a living, sentient being with red blood coursing through her veins.

Need I tell you that probation has developed with such strides in this Commonwealth that it has come into the major responsibility in dealing with offenders against the law! Statistics show that of the four common methods of disposition of criminal cases used by our courts after conviction, about one-fourth of the whole number are placed on probation, and they amount to more than five times the number of persons sentenced to confinement. To illustrate, for the year ending Sept. 30, 1922, the total dispositions were 104,649. Of these 28,177, or 26.9 per cent., were placed on probation; 7059, or 6.7 per cent., were sentenced to institutions; 35,555, or 34 per cent., were fined, and of this number 2079 were committed for non-payment of fines; and 33,858, or 32.4 per cent., were filed. These statistics are not peculiar to 1922, for other prior years show about the same relative proportions.

The placing of persons convicted of crime in the custody and care of a probation officer has become so essentially a part of our penal system that you might as well deprive the court of the power to sentence as to take away the power to admit to probation. The great reliance of the courts upon this service indicates a salutary effort to supplant the old form of punishment with a humane, helpful and reformatory treatment of ascertained offenders when consistent with the protection of the public.

The place of probation in criminal administration in this Commonwealth rests entirely in the discretion of the presiding justice of the court. In the superior court any person before it charged with crime may be placed on probation, and in any district court in Massachusetts any person who has been convicted may be placed on probation. This unlimited power, leaving the courts free to judge of the character, circumstances and needs of each individual case, differs from that in most states, where the power to place on probation is restricted to certain classes of offenses and to certain classes of individuals.

Aside from this wide power of selection, the law vests in the courts the power to direct the terms and conditions of the probation, thus leaving them free to scientifically perfect the concomitant machinery. And since the power to direct the manner of doing a thing is the power to control the result, a large responsibility devolves upon

the courts for a proper administration of our probation laws. By way of illustration: a city may construct the most modern and capacious reservoir and fill it with the purest of water, but the quality and quantity that reaches the consumer will be measured by the pipes through which it is conveyed. So, although the law of probation may possess the wisdom of a Solomon, its potency and merit will be measured by the machinery through which it is administered to convicted offenders. If there is a wrong selection of cases or an inadequate supervision of those placed on probation, manifestly its administration will be a failure in spite of the beneficence of the law and good intentions.

Thanks to the development of the last 25 years, we have a great body of experience on which to draw; and not only does it assist our constructive thinking but lends itself as well to the drawing of conclusions of a negative character. For, after all, human problems cannot be settled by academic methods but must be tested and treated in such a manner as experience proves to be most effective.

While there are no statutory limitations, the courts have acquired a workable experience as to what sort of individuals are not proper subjects for probation. Our probationary system was not intended or devised for the habitual offender, nor for the desperate or professional criminal who desires to live at the expense of others. "Society cannot afford to sacrifice itself out of mere pity for the pitiless, or destroy itself with mercy for the merciless."

Besides these, there are certain crimes that are so shocking and terrifying to the community that punishment in prison is inevitable. A disposition which contravenes the general conscience or neglects its satisfaction shocks the general mind and creates public contempt.

Hitherto, for want of a better remedy, some of the mentally defective have been placed on probation. They have been found to be improper subjects for such treatment. Obviously, to place in the care of the probation officer those who have not the capacity for response to the efforts made in their behalf is inconsistent with the first essential of probation, which presupposes a fitness for reformation and reconstruction in those who would benefit by its administration. The enactment of Chapter 123, Section 118, of our General Laws, providing a department for defective delinquents, seems to answer the prob-

lem heretofore presented by this class of offenders who were neither proper subjects for imprisonment nor probation.

The inebriate presents a more perplexing problem. This class of case until recently furnished the great bulk of probation subjects. And while we recognize that there are many drunkenness cases that offer a reasonable chance of improvement in the care of the probation officer, we also realize and frankly acknowledge our inability to materially or permanently improve that particular class of inebriates that will not, or cannot, respond to treatment despite the strenuous efforts of the officer charged with their reformation.

As to the constructive side of probation, there are certain guiding principles which enable the court to make a discriminating selection of cases for this form of treatment. A knowledge of human nature and the conditions of the community where the probationer is to work out his salvation, coupled with a keen selective sense acquired from experience as to what sort of individuals have proved successful subjects for probation, are valuable aids in determining the prospective probationers.

Where it appears from the officer's investigation of the social facts that the offender has no abiding criminal nature, that the use of probation will be an effective means of correction and that there is a fair and reasonable chance of a successful termination without injury to society, there seems no good reason why it should not be employed.

While not all first offenders are suitable subjects for probation, it is equally true that not all second offenders are improper persons for probationary supervision. Those who advocate probation only for first offenders follow to a large extent the reasoning of the farmer interrogated by a traveler as he was passing through a sparsely-settled back-country region.

"How is your cotton coming on?" asked the traveler of the farmer. "The boll weevil always eats it up and I did not plant any." "How are your potatoes?" was the next question. "The potato bugs are so bad, eating up the vines and all, I didn't set out any." And then, as if giving full information and complete explanation, in one brief sentence he added, "I just played safe." The farmer who thus played safe did not have any crops in his field to be destroyed by insect, or

blight, it is true, but neither did he have crops in his barn to sell. Playing safe is not always the course of highest wisdom.

The great bulk of probation cases is made up of persons convicted of the ordinary and not the predatory offenses. The majority are those of offenders against public order with cases of drunkenness predominating. Cases of stubborn children, trespassers, vagrants, disturbers of the peace, gamesters, idle and disorderly persons and violators of the liquor law are also numbered in this group.

Then we have numerous cases on probation involving infractions of the penal laws where real criminal intent is lacking. They embrace those who have violated ordinances and certain statutory provisions where intent is not a part of the offense. Offenders against property constitute a substantial number of probation cases, consisting principally of larceny, breaking and entering and malicious mischief. Many sex offenders also have been found amenable to the discipline of the probation system.

Perhaps the most fertile field for successful probation work is found in non-support cases. It was from those that during the past year the probation officers collected more than one million of dollars for support of dependents. Long ago the best disposition a judge could make of husband and father found guilty of non-support was to send him to jail. This did not help the family very much, and such cases were pointed out as striking examples of the impotence of organized society to obtain positive good through the courts. Now we have two effective remedies: one where the defendant is placed on simple probation, the other where he is given a sentence, the execution of which is suspended under the statute. In either case the defendant is placed on probation and ordered to pay periodically.

The choice lies between ordinary probation and what we term a suspended sentence. Ordinary probation will suffice where the defendant is well disposed and recognizes his duty when pointed out to him by the court. In those cases where the defendant is reluctant to perform his duty and is apt to give trouble to the probation officer, the suspended sentence usually has the desired effect. The sentence, the execution of which is suspended, like the sword of Damocles—a very sharp instrument which hung over the neck of Damocles suspended by a hair—makes sure that the leniency granted by the court

is not abused, to the destruction of the sound principles of probation.

After the proper selection of cases, too much importance cannot be laid on the necessity for adequate supervision. This, to be effective, must in most cases extend over a substantial period of time. In this Commonwealth the usual periods vary from six months to two years. The fixing of the time is a duty of the court.

The conditions required should not only be in writing but should be definite and binding. In appropriate cases, besides the usual requirements, there is added the collection from probationers of restitution, fines paid in instalments and payments for the support of families.

The imposition of spectacular and sensational conditions, even though they may have a corrective influence, are to be avoided, for compelling a defendant to submit to some humiliating act of discipline is not the usual or uniform method of doing justice.

I have intentionally omitted the all-important work of the probation officers as not being within the scope of my subject. In passing, I might add that Milton did not mean them when he said, "They also serve who only stand and wait." For theirs is a condition of activity within and not of inertia without the doors of the court house.

Much of the prejudice against the administration of probation comes from the mistaken notion that a probationer escapes all punitive consequences of his wrongdoing, whereas probation is really a supervised continuance nisi, in the true sense of that term; that is, a continuance to a day certain unless some occasion arises to deal with the matter sooner. At the expiration of the term, sentence may be imposed, probation may be extended, new conditions laid down, the case may be filed or the person discharged.

A perusal of the usual written probationary terms and conditions shows that the offenders worthy of the privilege are not turned loose but are sent back under skilled supervision to redeem themselves on the same field where they fought and lost or surrendered without a fight. They are sentenced to sobriety, to industry, to support their dependents, to the formation of good habits and in general to right living. Probation so administered is not merely a personal benefit but a benign influence on the community as well.

The marked improvements in the operations of the probation system are due largely to the Probation Commission and its able deputy, charged with co-ordinating the service throughout the State. By their painstaking work they have developed probation to a high place. With systematized records and illuminating reports they have not only educated the probation officers but the judges as well in the proper administration of probation. Under their guidance the probation officers have accomplished undreamed-of results. The man who wrote the following poem must have had them in mind when he told the story of how

"An old man going a lone highway
Came at the evening cold and gray
To a chasm vast and deep and wide.
The old man crossed in the twilight dim,
The sullen stream had no fears for him,
But he turned when safe on the other side,
And built a bridge to span the tide.
'Old man,' said a fellow-pilgrim near,
'You are wasting your time with building here.
You never again will pass this way,
Your journey will end with the closing day.
You have crossed the chasm deep and wide,
Why build you this bridge at evening tide?'
The builder lifted his old gray head.
'Good friend, in the way that I've come,' he said,
'There followeth after me today
A youth, whose feet must pass this way.
This stream that has been as naught to me
To the fair-haired youth might a pitfall be.
He, too, must cross in the twilight dim.
Good friend, I am building the bridge for him'."

For those engaged in the probation service have built a bridge to span the chasm of crime with its sullen stream and to save those unfortunates who unaided would fall victims to its treacherous waters.

THE TESTS OF PROBATION

HERBERT C. PARSONS

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Massachusetts Commission on Probation, Boston

Before I begin to talk about how we are going to test probation, and how it is being tested, let me first draw attention to a fact that is very often lost sight of, mistakenly and unfortunately,—that probation is not an alternative penalty. It isn't even an alternative to commitment to an institution. It is a deferring of that commitment until there is a chance to determine by the trying out of the person under supervision whether that commitment is necessary. Not being a substitute for commitment it only operates as such to the extent that it defers to a future date in a vast number of cases the question of whether that commitment shall take place. So I do not think it is quite fair to regard it as an alternative sort of penalty visited upon the person found guilty of some offense.

Probation is, I suppose, more recent than parole. We think of probation as the youngest member of the correctional family. It is just forty-five years since a probation officer was appointed in Boston. It is only twenty-five years since Massachusetts, leading all the other states in point of time, came to have a probation officer in every court. As the junior member in the correctional field probation is under more close watching than the others. It seems to me that probation comes in for the hardest knocks and the least measure of real justice. Whether that be so or not it perhaps is fortunate for all of us that there is a constant inquiry, a constant questioning, even if it isn't always so intelligent and if some of the thrusts made at correctional processes in general are not warranted by a real firm grasp on the facts in the case.

The inquiry goes on. The public doesn't know and we do not know that any of our processes are final. Let's not be too sure that

any of them are final. Let's keep ourselves in an inquiring and a progressing mood in order that we shall not fall into that gross error of thinking we have the last and final word, because really nobody knows, and to come to a positive opinion and conclusion is to perhaps stop the way of progress.

There are several tests of any correctional method and I am going to speak about those that could especially apply to the probation system and its operation. The first one is public opinion. We have all a very keen regard for public opinion. We are a little uncertain just what public opinion is sometimes, whether the medium of its expression is quite well chosen so that we really know how the people are feeling, but we are going to bank upon public opinion finally. We are going to succeed or exist, or fail and not exist, as the public regards us. We have to discover, perhaps a little negatively, just how the public regards us. Let's take the Massachusetts example,—twenty-five years of full operation of this law, giving the courts the power to place persons in the care and under the supervision of their own officers, instead of immediately committing them to institutions. In that period the courts have been exercising the power increasingly so that last year in the disposition of cases out of one thousand convicted persons, two hundred and seventy were placed in the care of probation officers and only sixty-seven out of the thousand were committed to any sort of an institution, with an additional twenty, who, because of their failure to pay a fine, finally came to the House of Correction to be detained there until they discharged their debts. This may be too few or too many commitments. We have had some public speakers say that is too few; more people ought to go to jail. I am looking for the man who knows how many people ought to go to jail. I suppose there is a scientific number who should go there. But the fact remains that nearly nine times as many persons were placed in the care of probation officers after having been found guilty of offenses last year as were sent to institutions. I will add this other statistical fact that there are at the present moment in our penal institutions, state and county, in Massachusetts, around three thousand persons in round numbers, and there are in the care of the probation officers attached to the courts between sixteen and seventeen thousand convicted offenders at the same moment.

The application of the test of public opinion is shown in just such facts as these. Is it conceivable that a thing of this sort could develop in the process of years and be tested out in every community with publicly visible results, if it didn't have the support of public opinion? I am going to claim that the public opinion did back this humane, intelligent and trustful method of dealing with offenders. I am going to supplement that by saying it couldn't exist at all if public opinion did not come to its support.

There are some phases of public opinion I am not quite so sure about. One is newspaper opinion. I am an old member of the newspaper profession, and I know among those topics tucked away in pigeon holes, gathering dust between times, to be taken out at the right moment and hashed over for immediate application, one of the favorite themes is advice to the court to soak the offender, to give the limit of severity of sentence to the one who has gone wrong, and to advise the courts that the real way to deal with crime in the community is to make the punishment of the criminal just as severe as the law will allow. Newspaper opinion goes running along that line very easily but at the same time I want to say that the newspaper sentiment in Massachusetts as reflected in its editorial columns gives evidence to great support and confidence in this method of dealing with the offender.

Then there is another form of public opinion,—police opinion. We are sometimes annoyed at the police attitude toward principles which do not terminate in inflicting on the man who has been arrested the very limit of what the law may allow. But I have another experience with police officers, and recall very well a recent occasion in my office when the police captains of the City of Boston and the police chiefs of neighboring cities were good enough to get together and talk over these things, and some of the old seasoned captains of Boston were good enough to say that if there were money to be appropriated for the increase of any branch of the public service dealing with criminals they would have every cent go to the development of the probation instead of police service.

Finally we come to the form of public opinion that is applied to probation and which is extremely trustworthy and that is what I may call the judicial public opinion, the opinion of the judges. It isn't

conceivable that the judges of the Commonwealth of Massachusetts, or the judges of any state where we find the developing use of this method of dealing with offenders, would be using it increasingly and to the extent that they do use it, if it were not justifying their confidence in it.

I believe there is a notion that the judge on the bench is a highly isolated person, that he is removed from all the pressure of public opinion, and is thoroughly and almost unfortunately independent in his course of action. My observation of judges, which is rather close, is that they are like the rest of us human beings; they like to be thought well of by their neighbors and they do like to be held in fair regard by the people of the community. So I think the judicial opinion we get is of some value as a test of this and every other process.

There are some other tests that I ought to mention. One is depopulation of the institution. Of course it has happened in Massachusetts, with the development of this method of dealing with offenders primarily, that we have lessened our prison population. In the past twenty years it has gone down from nine thousand to about three thousand. The population of the state has increased one million, but the number of the prisoners has been reduced. We have closed many of our institutions by the combined use of probation and parole and there are some half dozen perfectly good second hand jails on the market at the present time. The great financial saving involved offers an opportunity for much statistical support and is tremendously encouraging in the fact that it is saving to the community men, and valued men, instead of having them in an institution at the expense of the commonwealth.

Now we have another test, and I believe this applies to the parole as well as the probation field and that is the actual report of the conduct of persons who are in the care of probation officers.

Twenty-five years ago there was just one state that had probation as a power in the hands of the court. Today all but one of our states has this principle applied to juvenile cases. It has made less progress on the adult side, but it is a fact that now all but twelve of the states have adult probation in some form or other. Along with that has come the other development of centralized supervision and control of

the probation service, and particularly the gathering of information so that it is possible to say something about how people behave during the period they are in the care of probation officers. It has been very interesting in Massachusetts to see that the proportion of those who during the probation period have to be recalled to the court, have to be surrendered, and the proportion of those who get arrested for any sort of offense during the probation period has been diminishing until in the past year only eighteen percent had to be recalled to the discipline of the court of all that vast number of twenty-eight thousand who were placed in the care of probation officers.

Now that of course is one of the tests, but I want to come now to the fact that after we have applied all these tests we don't know any too much of where we are at or whether we are justified in our work. For instance, may I speak of the conduct of persons when on probation during the brief probation period, generally too brief, when they are in the control of the officers connected with the court. What is the result after they have escaped such restraint? How does it effect their after lives? Isn't the real test of all our systems of correction what happens after the person has gotten by the point of our care and our supervision or our restraint and our incarceration? Isn't this the field we want to get into to find out whether we have in our efforts actually returned people in the community with security to the community and with benefit to themselves? We have thought so in Massachusetts. We said we want to know about these people after they have passed the probation point. We are not just curious but we have a real interest in finding out what has happened to them in later life. And so we went to the Legislature and asked the Legislature to make a special appropriation for a survey of the subsequent careers of persons who have been through the probation mill. Now I am not going to say we did this in anticipation that someone outside might sometime do it in a less friendly way. We wanted to know whether the sort of thing we were doing was justified by the conduct of people after the probation point. The Legislature granted the request. It did that thing that legislatures always do, it cut down the appropriation for the amount requested. We asked for five thousand dollars, and there is a certain legislative presumption that one always asks for more than one wants to get, and the Legislature reduced the ap-

propriation to four thousand, which is rather meager. Nevertheless through the aid of other forces in the community and by the exercise of such prudence as we can exercise, we have already succeeded in studying the cases in one entire county, a representative county,—all the cases placed on probation in that county seven and eight years ago, in general eight years ago. In other courts and jurisdictions in the state with special investigators and with the tremendous aid of the probation officers we are making the inquiry along the same line as to persons placed on probation in 1915. We have taken an industrial city and are going to find out what the result has been in such a city. We have taken a county in which there are both industrial and rural conditions. We are having the very great assistance of the Boston Municipal Court, with its highly concentrated and difficult problems in the city of Boston, and we shall have the records of the lives of those persons as a basis for the conclusion later on as to whether people in the long run have justified this treatment. But we are going to get more than that out of it. The justices who are on the Commission on Probation and in the courts who were called into this saw the very great value in such a study, the reflection from the conditions that develop in after life upon the wisdom of the selection of certain sorts of persons for the probationary treatment; the development attained by the study of even the institution cases, through discovering whether it was mental defectiveness or something in the social condition that proved the real key to the failure which ended in the institutional commitment. We hope out of this to ascertain important facts bearing on practical methods. I trust at some future meeting of this organization we may come here and tell you a little about the added wisdom that came from the study of the people who had been through our particular process.

I want before I close to express real joy in some of the things I have heard said here this morning, especially in the development of the idea that it isn't going to be left always to the courts to finally and definitely prescribe as to the future of the person with whose case the court is dealing; when sentence will be completely indeterminate, and when to the solution of the questions of the future guidance and treatment of its charges there will be brought to the aid of the court

and to the very great relief of the court all the administrative and professional resources of the community.

I have no hesitation in expressing my pleasure in the hope and the feeling and the confidence that we are all of us moving toward that point where the rule of treatment, of helpfulness, of continuing study, and perhaps continuing trial, is to be the major rule in our correctional process, and my satisfaction in the fact that we are very fast working away from that point of absurd reliance upon the decision on the part of one human mind as to what sort of treatment a man is going to need during the rest of his life, or for how long a period that treatment shall be necessary.

THE RELATION AND COORDINATION OF PROBATION AND PAROLE

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Probation and parole have much in common. The main difference consists in the intervention of the institution. The methods of supervision, discipline and kindly assistance are the same.

Parole as administered in many of the institutions throughout the country is the weakest link in the operation of the indeterminate sentence and the reformatory system. Most of the institutions have inadequate parole staffs. Supervision under such restrictions cannot be efficiently performed.

Parole inmates scatter to all parts of their respective states. The various state institutions have not been furnished with, and are not likely to be furnished with sufficient parole officers to travel around the state, receive weekly personal reports, visit the homes regularly and maintain the personal contacts which make probation a success.

Some institutions permit reporting by letter and place inmates under the supervision of chiefs of police or employers or volunteers.

Reporting by letter is futile, parole under policemen is a bad practice, under employers encourages greed, and volunteers are not dependable.

Local probation departments are established in the counties and cities throughout the states. Most of the officers are trained and efficient men and women. Why cannot they be utilized to supplement the lack of parole officers and supply the needed personal contacts in the localities in which the paroled persons reside?

The probation and parole system can be co-ordinated without conflict of authorities and to the general satisfaction of all concerned. The New York State Probation Commission is advising that the parole authorities use local probation officers, and is cooperating to place the large corps of trained probation officers in the state at the disposal of the institutions.

The probation department in Erie County has done considerable parole work over a number of years. Its record furnishes proof of successful cooperation with the institutions and demonstrates that the co-ordination of probation and parole is practical and effective.

350 paroled adults, 344 men and 6 women have been received from the institutions. 255 have come from Auburn State Prison, 61 from Great Meadows State Prison, 20 from Clinton State Prison, 10 from the Federal prisons and the balance from other institutions. 222 of them have been discharged from parole, 37 were returned and 28 absconded. Chief Probation Officer Murphy reports on the success of methods and results:

"The supervision of paroled persons is carried on in practically the same way as probationers are handled. Our records are kept in the same manner. We try to carry out a plan of treatment in each case that is constructive and based upon our knowledge of the particular individual's needs as disclosed by our own records and what information we can learn from the man himself or the institution from which he comes. We have found that for the most part persons on parole respond quite readily to our directions; in fact, the majority are more responsive to the parole conditions than are probationers. This is quite natural, as paroled men have just undergone a term of severe disciplinary treatment and are anxious to secure their absolute discharge from custody. We have been very fortunate in securing the very best cooperation from the Prison Department in the handling of

paroled persons, and we have tried in return to give our very best efforts in all such cases. I thoroughly believe from our experience in handling paroled persons that we have worked out the solution of the question 'How can paroled persons receive thorough and constructive supervision?' "

Probation as a corrective system was instituted in Boston. The first probation law ever enacted was in 1878 and was restricted to the criminal courts of the county of Suffolk. The system was gradually extended to the other criminal courts in the state. For more than 20 years it was tried out in Massachusetts before it was adopted in any other state.

In 1899 it crept over the border into the State of Rhode Island. From 1900 it has gone irresistibly forward until on Jan. 1, 1923 every state in the United States, except Wyoming, has established juvenile probation, and only twelve states are without an adult probation system of some kind.

Probation has had a gradual and steady growth. It has had to fight its way in the face of a hostile public opinion. Fear, prejudice, ancient doctrines of retaliation and repression, the police, prosecuting authorities and often the press, have opposed it. Whatever of success it has attained has been on its merits and efficiency.

Juvenile probation has progressed hand in hand with the children's court. The children's court is largely a probation institution. Although even juvenile probation was at one time considered a dangerous innovation, it is now generally recognized as the greatest constructive agency in the rehabilitation of the delinquent child.

Adult probation as applied to the delinquent who commits minor offenses has also won its way. Bitterly attacked in the beginning it has confounded its critics. Its success in the treatment of family difficulties has been second only to juvenile probation.

The domestic relations court is another probation institution. You can all recollect the failure of old methods to compel the support of wives and children. Adult probation is now solving the problem and restoring the broken homes. During 1922 in New York, out of 15,793 adults placed on probation, 6,623 or 42 per cent. were for non-support. \$2,572,322.25 was collected by probation officers and paid

under court orders directly to the families through probation procedure.

Opposition to the use of probation for offenses less than felonies is rapidly disintegrating. We hear on every side the concession that "probation is all right for the adult petty offenders." The extension of probation for felonies still encounters strenuous antagonism and distrust. Most of the antagonism flows from the fear that probation will undermine the efficiency of punishment as a deterrent of crime. Formerly severity of punishment was believed to be the great deterrent. Severity of punishment has not deterred crime to any great extent. Death, transportation, branding, old prison methods and other forms of torture, have not succeeded in preventing crime. Failure has been written across the black and bloody pages of the old penology. The uselessness of severe punishment and torture has convinced even the most conservative, and the formula is changing from severity of punishment to certainty of punishment. Certainty of punishment as a deterrent of crime, and the just treatment of the individual delinquent are two of the most scientific deductions which the study of modern criminology and penology has produced. The probation system contributes essentially to both of these propositions.

Opposition to adult probation is often based on the erroneous assumption that it interferes with the certainty of punishment. This argument was advanced at the hearing before the Judiciary Committee of the Senate on the Federal Probation bill. The mistake arises from distorted conceptions of punishment. Many persons confuse punishment with torture, and cannot conceive of it without physical pain and suffering. It is an exceedingly narrow view.

Probation is punishment. It must be preceded by conviction, which is to many persons the chief punishment. It removes them from the respected classes of society and disgraces them in the eyes of friends and neighbors. Conviction is followed by loss of personal liberty and personal rights. The probationer is placed in the custody of an officer whom he must obey, and to whom he must surrender his most valued constitutional prerogatives of freedom and privacy.

The old time prison was so brutalizing and unsanitary that the courts refused to commit many young offenders, first offenders, and offenders whose crimes involved mitigating circumstances. Suspend-

sion of sentence which means little or nothing without probation, fines generally paid by the innocent family, postponement of trials and the pigeon-holing of indictments increased at an alarming rate. Probation came to the rescue of criminal procedure from these demoralizing practices and presents a procedure which permits the judge to impose a punishment commensurate with the offense and the character of the offender, which makes his disposition swift and certain, and which renders delay unjustifiable.

Increase of crime due to uncertainty of punishment, cannot with justice be charged to probation. It can, however, justly be charged to the uncertainty of detection and conviction. Only a small proportion of crimes committed are detected, and a large portion of the criminals detected are not convicted. The Cleveland survey showed that out of every 20 felonies committed arrests were made in five; that out of five arrests two convictions were secured, and only one of them was committed to an institution or placed on parole.

After all why indulge in generalities in dealing with the individual? Punishments imposed for deterrent effects are often cruel and thoughtless. Judges have inflicted wicked sentences during the hysteria of so-called crime waves. Life with its contradictions of strength and weakness cannot be governed by formulas. A large proportion of the criminals commit their offenses regardless of penalties. The individual delinquent should be judged and treated according to his character, his degree of responsibility and the extenuating and aggravating facts of his offense.

The probation system in this respect has made another substantial contribution to criminal procedure. The preliminary investigation which is an essential part of the system supplies to the judge facts concerning the individual and his offense, uncolored by the prosecution or the defense. We who have seen its value wonder how justice can be administered in criminal courts without the preliminary investigation.

Let us take a few illustrations of the way in which probation operates in the treatment of the individual felon. Railroads run through the tenement and foreign districts of an industrial city. Freight cars full of merchandise stand around close to the homes of youths who are the unfortunate product of bad environment. No

orchards are handy which gave an outlet to the predatory instincts of our younger years. The seals on the cars are easy to break. These neglected youths steal from the cars. They are guilty of the serious felony of burglary. If they are sent to prison the chances are that the result will be the inception of criminal careers. Hundreds of these young men in my home city have been placed on probation, and have become good citizens.

A youth of American stock is indulged by parents and becomes undisciplined and reckless; automobiles are parked around everywhere. The impulse for excitement and speed, possibly atavistic, seizes him. He steals a joy ride. It is grand larceny. Boys are doing it all the time. The penalty of hanging will not deter them. Many of them are fit subjects for probation. Imprisonment may destroy useful careers.

The man who abandons his children is generally placed on probation. Imprisonment of the father will not feed the family or improve the home.

Statistics of the Erie County Probation Department give concrete tests of the success of probation for felons. Erie County contains the industrial city of Buffalo with a population of over half a million, a good proportion of which is of foreign descent. The records show that covering a period of almost 14 years from 88 to 45 per cent of all convictions for felonies have been released on probation. 2,509 felons have had the advantage of probation oversight. From April 1, 1909 to January 1, 1923, 557 of them were convicted of grand larceny, 510 of abandonment of children, 422 of burglary, 285 of receiving stolen property, 214 of assault, 168 carrying concealed weapons, a total of 2,160 out of the 2,509. The balance were convicted of almost every felony in the Penal Code. About 78 per cent. are reported permanently improved.

Many persons are skeptical of the statistics of crime. Recognizing these doubts the chief probation officer in 1921 made a survey of the first 200 consecutive cases released on probation in 1917 to determine what actually became of the probationers after they were discharged. The survey disclosed that out of 154 who were discharged with improvement, 111 were socially readjusted; 10 had been re-

arrested but were living good lives at the time of the survey; 4 had been sent to prison; 4 had died and 25 had moved away.

So far in this discussion the punitive and practical features of probation have been emphasized. The spiritual side, however, is of paramount importance. The vitality of probation springs from its spiritual nature. The permanent and reconstructive forces in life are spiritual. It is the fundamental and final test.

Probation is a redemptive system. It offers friendship and unselfish service. It appeals to the best in human nature; it places trust in the honor of the probationer and protects and assists him. While it imposes punishment it takes for its ideal the disciplinary and corrective punishment which has guided and preserved the family, and which underlies all religious teachings.

PUBLIC OPINION AND PROBATION WORK

Mrs. CARINA C. WARRINGTON

State Probation Officer, Fort Wayne, Indiana

Whatever I may say in regard to the arousing of public opinion and its value in the carrying on of the work of probation is equally applicable to the present day methods of institutional work.

Of the one hundred and ten million population in this great United States how many do you imagine know anything whatsoever about probation work? Of the forty-one million voters in this country how many of them know anything about this subject? How many of the people who form our great church congregations, how many of the active members in the Y.W.C.A. and the Y.M.C.A. know anything of this great force for good and rehabilitation that is being used daily by the courts of our country? And the law makers both State and National what of them? Are they conversant with the value of probation either from its altruistic standpoint or its economical standpoint?

Then who does know anything concerning this subject? Those only who are the workers in the vineyard and those coming in direct touch with these workers.

What is the result? This limited number of persons cognizant of the true meaning, aims and results of proper probation work is felt at every legislative session where social workers attempt to improve the legislative status of probation. For every legislative victory is won only after a hard battle and in some instances the only victory won through an entire session is that of preventing retrogression, when if the legislators knew the real facts progression might have been made. Furthermore everytime an already existing law favorable to probation is to be enforced an educational campaign must be waged upon the individuals who have the power to enforce it. And if money is needed in the enforcement this campaign must extend to the appropriating body.

So effectually have we hidden our light under a bushel that probation is practically an unknown subject outside the circle of a select few.

The American Bar Association to be sure gave the subject some unfavorable national publicity but fortunately the number of people they reach is comparatively small.

Some persons have a hazy notion of juvenile probation in connection with Judge Lindsey and his Denver Court but the idea they obtain is so indistinct and so general as to be of no value in the forming or stabilizing of favorable public opinion.

What we who are engaged in social work must do, is to give more attention to the forming of public opinion so that the advanced methods of handling the anti-social of the community may be better understood whether the said individual is to be handled in an institution or outside of an institution.

We meet together, discuss our problems, pat ourselves and each other on the back and feel that after all we are doing great and glorious work; that the community should be pleased with us and our accomplishments. How can it be pleased when it doesn't know?

What does the public know of your institution except when an individual is committed to it or worse, from an unfavorable publicity standpoint, when one escapes or violates his parole. What do these same people know regarding probation except when some individual on probation has run amuck?

Public opinion based on such publicity is bound to be unfavorable toward our idea of the proper handling of the anti-social individual. The newspapers seize upon such stories as good news and in many instances blame us and our system forgetting our many successes in our one failure.

We have reached a stage in our work where public opinion must be aroused in our favor. There never was a time when public opinion was so highly valued as since the beginning of the world war. There never were so many publicity agencies for every possible endeavor, each striving to create a favorable public opinion on some subject in which they are vitally interested.

During the world war public opinion was considered so important that the people were fed only those facts that those higher up felt would produce the desired result. This was done not only by censorship of the strictest sort but by the issuing of just the right types of news bulletins and other propaganda.

Today our knowledge of certain men or certain events or certain theories is only what we know of these men, events and theories through publicity. We are either for or "agin" them based on our notion gained through publicity.

The only feeling that anyone can have about an event he does not experience is the feeling aroused by his mental image of that event. Our attitude toward certain questions is not based on direct and certain knowledge but on pictures made by ourselves or given to us.

Therefore if we desire a favorable public opinion of probation or kindred subjects we must cause to be formed in the minds of the many the correct type of picture on these subjects. This can only be done by a proper and systematic publicity scheme. This publicity must feed out detail material, for no one sees further into generalizations than his own knowledge of details extends. This publicity must be continuous and wide-spread. Individual cases make good detail publicity full of human interest but of course all names should be omitted or changed.

The newspapers are our best medium for reaching all the people all the time but it is not always possible to obtain for them what they would consider a good news story.

Then there is propaganda spread through magazines such as the Saturday Evening Post, which is undoubtedly the best medium for spreading propaganda in our country today. Public opinion can be very effectually aroused by speakers on Chautauqua circuits or by other public speakers for such associations as the Rotary, Kiwanis, etc. Then less extensive but still very effectual is the monthly bulletin which at present is used by some of our state probation departments but could be very well used by city courts and by institutions.

I feel that the making of a favorable public opinion for probation and for the institution of today is of fundamental importance and that serious consideration should be given the idea of a paid publicity agent for our combined organizations.

The development of the publicity man is a clear sign that the facts of modern life do not spontaneously take a shape in which they can be known. They must be given a shape by somebody and if we want good publicity shaped we must do it ourselves through our own interested Agent.

I thoroughly believe that great organizations such as the one meeting in Boston at present or that several of these great organizations together such as are gathered here this morning should hire a publicity expert.

We must have publicity of the right type if we are to be allowed to do the greatest good and we can only obtain this by employing an individual trained in the art of publicity. Let us cease to hide our light under a bushel but let it shine forth so that all men may know and understand the value both economical and altruistic of the present day methods of treating the anti-social individual.

HOW TO MAKE PROBATION CONSTRUCTIVE

AUGUSTA F. BRONNER, PH. D.

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Having been asked to discuss how to make probation constructive I may as well face the facts honestly and say that I do not know; for in the field of probation we are just beginning to adopt the attitude of science and as yet there is nothing in this field that one can call even an approximation to technique. The procedure of science is always first to gather actual data, then to study the data, and from these data to formulate laws or generalizations. This is a procedure that has developed extremely slowly where human beings are concerned, partly, no doubt, because of the subtleties and complexities of the problems that concern human beings.

It is not long since we reached the point where the belief was entertained that to solve the problems of people we must, too, develop a science. All of our efforts heretofore have been largely based on common-sense or "intuition" or just gradually evolved as a matter of experience. Today, however, in the field of criminology a beginning has already been made to place this whole subject on a better and more scientific basis. Diagnosis, in the study of the individual and his needs, has accepted this point of view, and whatever the faults and lacks and however much criticism may still be made, it must be acknowledged that great headway has been gained by endeavoring to establish a scientific procedure.

If probation is to be raised to the plane of a profession, the same march forward is necessary. It, too, must go through the same steps of evolution. Facts must be gathered, recorded and studied, and from these facts general principles evolved. Some such plan is possible even now. No matter how brief the schedule of facts to be observed, some definite plan to guide observation could be formulated and accurate records kept, records that will later be usable for comparative

study and from which one can learn what, in probation, succeeds with certain types of individuals and what does not.

Though this may seem a laborious and unpleasant task, it is the only way that we shall ever be able safely to answer the question "How can probation be made constructive?"

IS PAROLE A SUCCESS?

HENRY A. HIGGINS,

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Member, State Board of Parole*

Are we speaking of parole in a country-wide sense or are we discussing it locally and particularly? I am not going to discuss parole in a wide sense with any degree of particularity. I have had my nose very close in a practical way to the Massachusetts grindstone. I know whether our tools are sharp or dull; and as it is much better to discuss what you know with personal intimacy than what you gather widely with perfunctory imperfection, I shall speak from the local viewpoint. When I go beyond this domain it will be only in generalities and to apply standards of practice.

My presentation of the success of parole is to be a threefold consideration. I propose to determine first whether parole is a success in itself; secondly whether it is a success in the sense that it is faultlessly administered; and thirdly if it is a fair success in the responsiveness of the individual parolees.

Now let us take the first consideration—is parole a success in itself? The best way to judge that is to examine what practice preceded it.

Unless you kill your criminal for his crime whatever it may be, or hold him for life in prison, as is now done in cases of first and second degree murder, you must take him back into the community after he has been punished in prison by a period of confinement. There are two ways of releasing him. One is to make him serve a full and

complete sentence, the other is to release him on parole for part of his sentence.

The antecedent of parole was a complete sentence. The prisoner not only completed his sentence, but he endured usually a long sentence. All convicts were released alike on expiration of sentence. First-timers, old-timers, hard criminals and amateur criminals, all suffered the same fate. A criminal was a criminal irrespective of the infinite variety of fact and circumstance surrounding the different offenses.

The best conduct and the most genuine resolution of reform offered no relief from punishment; and wickedness, evil outlook on life or the actual deliberation on crime could not add a day to the imprisonment. When the prisoner came out he was bitter with the memories of indifference to him and was satisfied that his sentence had wiped out his crime. He was under no obligation to anyone and he was free to move and act unobserved and unheeded. Nobody cared what became of him, whether he had work or home or money. And usually he had none of these. Do you wonder that, destitute, uncared for and without supervision of any sort he lapsed again into crime? He did, of course.

Thus we decided on the venture of parole. We undertook to pick the worthy from the unworthy. We sought by the use of mercy and trustfulness to bring out the good in a man wherever it could be found. We concluded that many criminals had honor and virtuous intentions and we thought it wise to appeal to them. Parole, you understand, means word of honor. So we made it possible to release a prisoner on his honor, on the pledge that he would not again commit crime. We took him out of the prison cell and surrounded him with the inhibiting force of a pledge solemnly and sincerely offered in return for a reduction of punishment. More than that, we found him employment, took a friendly interest in him and kept him under supervision.

That was the manner in which parole came into practice. At first, of course, it was tried cautiously and with fixed limitations, but as time went on the practice became more general, so that today parole is a universal procedure. Few people seem to realize that practically

every one in our Massachusetts state penal institutions is given liberty under parole.

Parole from the beginning was a success. It was superior in every way to full sentence. In spite of its individual failures it justified the hopes of its advocates. Offenders were reclaimed and restored to orderly life and the failures were returned to prison.

Parole was a success in prison because the hope of liberty through parole was a check on bad conduct in prison. It made prison discipline easier. After release parole was a success because your offender was supervised and if his conduct was bad, he could be returned to prison by those who liberated him without the preliminary of court trial.

In Massachusetts, parole, years ago, was recommended by the Warden in his annual reports because he expected it to improve discipline. He proved correct in his anticipation as there has not been a riot or outbreak in State Prison since parole went into effect.

The first consideration clearly points to success. It establishes that in philosophy and in fact, parole is better than the stated sentence which antedated it in penology.

Is there any sensible person, who, knowing all the facts concerning each procedure, would prefer the complete sentence to the parole? Mind you, your criminal must be released sometime, if not on parole with its judgment, supervision and checks, together with a grateful obligation on the part of the criminal to restrain himself; then a free untrammelled criminal embittered by the merciless exactitude of society. The latter condition does not contemplate reform unless you adhere to the old fashioned idea that if a man is given enough punishment for a wrong, he will never do wrong again. The prisoner who pays in full comes out of prison with the idea that he has paid,—that he has squared his account, and that he owes society nothing. Certainly he does not feel that he owes it to society to be a reformed man. The idea of crime is not out of his head. He only thinks of the price to be paid for his crime. You may have convinced him that if he is again caught he will again have to pay. But if he feels that he can commit crime and escape detection or conviction, then he contemplates his crime as profitable and delightfully revengeful.

When a prisoner completes his sentence you find in him a moral vacuity inhospitable to regenerative influence, if you do not find a positive and fixed immorality. With the paroled prisoner it is different. Here you have a moral receptivity based upon a grateful state of mind. Here you are able to reform by instilling the idea that crime is to be avoided because it is inherently wrong and not because it is a thing for which the state exacts payment in punishment. Parole then, must be admitted to be a success in itself and by the very virtue of its improvement over the unrelieved completion of sentence which it has superseded.

In another general sense, too, parole is a success. If you still cling to the old belief that it is proper and just to make a criminal complete a definite sentence, you can have only a partial quarrel with parole inasmuch as parole, unlike probation, is permissible only when the offender has already paid in considerable part the penalty for his crime. Parole, from this point of view can never be a complete failure. That is to say, the criminal on parole may commit crime, but the fact remains that even though paroled on his previous crime, he has not escaped wholly unpunished. And if a good portion of his sentence failed to reform him, it is forcing logic to conclude that all of his sentence would.

Take the case of a young man paroled by our Board last year from State Prison. He was within a few months of completing his minimum sentence, had never been punished, and his danger viewed from the character of his previous crimes was considered small. A few months after his parole he was caught at small burglary, he gave battle to the police and was shot to death. Now was that case a failure because he had a few months' parole? And would the same facts have constituted a success if the criminal had been released automatically on the expiration of his minimum?

In the case of the criminal who fails, we are facing a failure irrespective of the process under which he is released from prison. To charge such failures to parole, when they confront you in any event, is a serious mistake. It is to handicap with unfair criticism a process which, before it releases a criminal, exercises reasonable judgment, mercy and care.

All of us who have had anything to do with parole are more or less sensitive about parole criticism. We are sensitive because this sort of criticism is more disastrous to us than is that which is visited upon other officials who deal with the offender. The parole official, indeed, is charged with the responsibility of the parolee's crime should he commit one while on parole. You will recall the furor that was made over the Duddy case in New York. Duddy had been paroled and later he killed two policemen. This resulted in a wholesale and vehement denunciation of parole which swept over many states. The press and the public, resentful over what it considered the bad judgment of its parole officials, pronounced the rashest sort of judgment on the parole procedure.

Parole as a proposition is not a failure because here and there one finds individual failures, even though some of these individual cases be conspicuous and shocking. It is a failure or a success according as, in the even tenor of its operation, it works, or fails to work out the ends for which it was originally instituted. To fix this point of view for the public, however, is no easy matter. The notable failure always attracts disproportionate attention and has a tendency to throw the parole machinery out of gear. It is the sad lot of parole workers to learn that in their sphere the saying "nothing succeeds like success", is a minor note. In parole nothing fails like failure. No one seems to care much about the successful case. Such cases, in fact, are taken for granted. It is only the man who commits crime while on parole who receives attention. Indeed good parole supervision throws a protecting cloak over the successful parolee, shielding him from publicity which might be his undoing.

Now let us see whether or not parole is a success in point of official administration. First we must understand how the Board comes into play and how it functions. In this state it makes its most important releases from State Prison and from the Reformatory for young men and the one for women.

A young man is brought to trial for a crime. He is found guilty. The judge carefully weighs over all the facts. He listens to the advice of the probation officer and district attorney. He finally sentences the offender to the Reformatory or State Prison. The

judge has fitted the punishment to the crime, and the punishment is elastic. The Board of Parole in its turn can minimize the punishment or can protract it as in its judgment it sees fit. The judge in sentencing knows this and he does not concern himself with the case once he has disposed of it.

The elasticity of the punishment applies especially to the minimum-maximum sentence to state prison. At two-thirds of the minimum sentence the Parole Board has power to release. And if the prisoner through bad conduct in prison, suffers disciplinary punishment, the Board may at its discretion hold him for his maximum. A considerable latitude of time in which to consider the prisoner's release, is thus given to the Parole Board.

In the reformatory the sentence is more elastic still. You may or you may not look upon reformatory treatment as punishment. There you will find the same restraint and confinement as in prison. The law and the methods at the Reformatory, however, are based on the reformability of the offender. The Reformatory aims to be educative and morally reconstructive, and the Parole Board has power to grant release the day after commitment. A judge may sentence a young offender to the Reformatory for a two year or a five year indeterminate sentence and the next day, if it is so disposed, the Parole Board may place him on parole. The Board's power is absolute and no judge can question it even though it may displease him.

The difference between the State Prison and the Reformatory as it is seen by the law is that in the Reformatory you have a place for a criminal who is thought, by reason of his youth and offence, to be more readily reclaimable to a life of good conduct. The application of moral and educative influence and occupational direction, are here felt to be more potent and efficacious in reform than society's stinging lash of straight penal servitude.

Now it is clear that this theoretical reform must have some practical measurement. Reform in the sense that the prisoner has experienced a moral turnover is possible in a day. It might be readily argued that one day in a reformatory would bring about the change in some cases and thus justify instant releases. A parole system, how-

ever, that would frequently proceed upon that assumption could hardly succeed very far.

It is much sounder to conclude that the moral reform of your prisoner requires reasonable time. Any character defect serious enough to warrant sentence to a reformatory certainly requires study and attention by the reformatory officials. The time allowed should be commensurate with the size of the job. The Massachusetts Parole Board allows the Reformatory eleven months' work on a two year indeterminate sentence and fourteen months on a five year indeterminate sentence. Then the prisoner is allowed to appear before the Board and have his case reviewed. In some institutions the time required is longer than this. But with the tendency of this Board to frequently set the prisoner back four months, six months or one year, I think this a reasonable time.

As a piece of parole policy, you will agree that this is sound and if sound it is a success. But does it result in a high reform percentage you may ask? And if it does not how can it be called a success? I reply that it is a success regardless of the reform rate, because it is in itself reasonable and sound. It is a fixed policy which allows time for reform to take place and not a hit or miss policy based on premature guess work or assumption.

Success is determined by the character, equipment and conduct of parole officials. They must be intelligent, honest and fearless, and if they are lacking in the exercise of these qualities, parole cannot be a full success. They must be able to match wits with all the persuasive pleaders for parole; they must have a trained understanding of the criminal—his characteristics and habits, and they must honestly and fairly award parole on the merits of the case, uninfluenced by personal interest and undismayed by the coercive threats of those who possess political power.

A prisoner may be paroled through the selfish interest of a parole official or under the pressure of political threats, and that prisoner may turn out to be a good citizen. But you would hardly call that a parole success. If you have only substituted the chicanery or the cowardice of a parole official for the crime of the prisoner, you will not add to this the mockery of boasting of the prisoner's reformation.

All who are in prison, from the most dangerous criminals to the most unoffensive drunks, have friends who seek their release. Thus to the grave responsibility of considering parole in regular order under rules the Board has the added burden of daily pressure brought to bear upon it to make releases either prematurely or in unworthy cases. From my experience I should say at least ninety per cent of the requests made upon the Board are of this nature and are, of course, refused. In such a bulk of refusals enemies are made by the Board. Many of these displeased pleaders are politically and otherwise influential. It requires courage and a deep sense of duty to refuse them. Such courage and sense of duty are possessed by the Massachusetts Board of Parole. And it will readily be agreed that a Board of that description, whatever faults it may have, is certain to administer parole successfully. Without hesitation or deviation it places public good above personal interest, and that is the very cornerstone of successful administration.

These facts unfortunately are little known to the general public. The reliability of parole boards and the wisdom of parole are always and everywhere quickly questioned. Alone among the officials dealing with the criminal, the parole authority works under suspicion and in the face of a blind prejudice.

You look to the judge to impose a just sentence on the criminal. You expect the prison warden to hold the convict in custody until he is properly set free. In this you do not demand too much. The most you have to find fault with is an occasional injustice by a judge and now and again an escape from prison. But somehow you expect a parole board to be prescient. You are not satisfied that it uses an imperfect human judgment in examining men's fitness for freedom. You demand that the parole official be clairvoyant and that he make no mistake. Let him make one serious mistake and you forget all the preceding wisdom and judgment with which he has performed his work.

Now this seems highly unfair to your parole authorities and, of course, it leaves them with the sword ever suspended over their heads. Yet, the psychology of it on reflection is clear. Your judge in sentencing a man to prison and your warden in holding him there, are

both satisfying a deep public desire—that of safety and security from the criminal. Your parole official on the other hand releases the prisoner and reopens the risk to the public.

Also you are robbing the public of its revenge. Professor Pound of the Harvard Law School says that one of the most deeply rooted instincts of the human being is the desire when a wrong has been committed, to do something about it. This instinct from the earliest known age of man has gone through many changes. With us it expresses itself in prison punishment. The judge and warden are instruments through whom we exercise this instinct. But the Parole Board, except in the eyes of the thoughtful and understanding person, appears to be robbing the instinct of its full satisfaction.

A parole board should have a policy that is sound and adhered to rigidly regardless of whom it hits. Massachusetts has a policy and it is pretty religiously observed. In the first place this policy is expressed in printed rules applying to every description of case, and unless for very pressing and acceptable reasons these rules are never set aside. Then there is the policy of practice unwritten but agreed upon by the Board members which governs its attitude in all vital respects. For instance, it is deaf to appeals on purely sentimental grounds.

Parole that is based on the sentimental cry of—"give the poor fellow another chance" is a failure. Parole that is soggy with "sob stuff" is a failure. Parole to be a success must be virile, just, merciful, and even-tempered. It should neither be hard boiled like the proverbial egg, nor sloppy like the "sob sisters'" wail. In Massachusetts certainly you get neither of these extremes.

I shall recite just one case which illustrates the virility and the inflexibility of the Massachusetts Board's policy. Several years ago a group of men conspired to insure dwellings and then burn them. It was alleged that they defrauded insurance companies out of very large sums by their operations and they repeatedly endangered human life. After a long trial all were found guilty and sentenced to State Prison from 5 to 7 years. Through appeals and new trials which took more than four years this sentence was finally reduced to two years in the House of Correction. This stringing out of the process of justice with

its shortening of sentence cost much money to the State and the defendants.

At the House of Correction under the law these offenders would not be eligible for parole until at least eighteen months of the two years had been served. That did not suit them. Urging various reasons, chiefly poor health, all of them begged transfer to state prison camps. Six months or less after commitment, all of them were in camp. Then instantly came appeals for their parole; for they were aware that in these camps the Parole Board had jurisdiction and could make release at any time. The Parole Board was swamped with appeals from the friends of these men. Groups representing race, religion, politics and law poured in to ask parole in six months for men who were sentenced to two years and who originally had been sentenced to five to seven years. Never had the Board witnessed such insensibility to the significance of sentence for serious crime.

Wholly on account of this social insensibility the Board at one meeting decided not to give parole at all in these cases. And in spite of continued appeals, the Board stuck to this attitude, making the offenders complete every day of sentence.

Having discussed the philosophy of parole and the policy of administration we are now down to cases. We shall examine the manner in which the paroled man reacts to the liberty granted to him,—how he stands up and makes good, or how he falls down and fails. To begin with it is well for us to understand what features and factors are comprehended in a successful parole.

Now what is success? Is it a distinctive, discernible thing which must be realized in fulness or not at all, or is it a relative thing varying in the individual and recognizable only in connection with certain circumstances? It is, of course, relative and it varies according to the character of the case. As example of the variety of the offenders to be paroled, take the drug addict, the drunk, the burglar and the criminal who commits an act of violence, and you will see that success is not a thing that can be stamped on all of them with mechanical precision and uniformity.

The ideal success, to be sure, is the case in which you parole a man and he never again commits crime. All other successes are gratifying

in the degree with which they approach your ideal. And the comparative success with one of these might be more important than complete success with others.

Parole varies in significance according to the character of offence. To parole a drunk is one thing and to parole a gun carrying burglar is quite another. Failure of the drunk may mean only a relatively harmless spree, while failure of the burglar may mean serious losses through theft and possibly murder. The more dangerous the offender you reclaim the more important the parole success.

A false analogy is often drawn between the patient in the hospital and the man in prison. One is physically sick, the other morally sick. Both, we are told, should be released when cured. The prettiness of the idea candies over its absurdity. The bodily sick patient gives physical, measurable evidence of his recovery. His pulse, his temperature and other unmistakable signs tell the tale. You are dealing here with positively determinable factors. How easy would be the work of parole if the proper heart beat and the normal temperature were the end of criminal inclination. On the other hand, place a doctor at the door of a small-pox pest house, let him be compelled to guess at the cure of his patient; let him miss one guess and send a contagious patient back into the community and see what happens.

If the prison were a moral hospital where men became recognizably cured, parole would be as simple as the present method of dismissing patients from other hospitals. But our prisons are not moral hospitals. They are places where offenders give a part of life's liberty in payment for an act against society. The reformatory somewhat approaches the moral hospital. But in reformatory and in prison alike, unless you accept the wholly unreliable fact of good conduct during sentence, you have nothing tangible or positive on which to base a conclusion of reformation.

With uncertain information and material upon which to base your opinion of reform, your parole decisions must of necessity be inconclusive. The parole law itself contemplates this uncertainty. It does not say to the Board,—“When you are *sure* the prisoner is reformed you may parole him.” It says,—“When it appears that he is reformed, you may parole.” And, of course, with this accepted and unavoidable

uncertainty of reform you cannot escape considerable failure. We have some failure to be sure. All of us have more than we like.

Recently an investigator examined the records of the Massachusetts Board of Parole on the Concord Reformatory. He took the period of 1916 to 1920 and he covered about 700 cases. He found that about fifty per cent. of those paroled were failures and had to be returned. And they were important failures inasmuch as most of them were returned to the Reformatory by the courts for crime and not by parole agents for minor matters. At first thought that statement would strike you as a serious failure of men on parole. Other states might be ready to show a much better reform rate. But the statement of these failures requires interpretation. The figures, on closer examination, are not so indicative of failure.

If a young man is released in Massachusetts after serving fifteen months of a five year indeterminate sentence, there remain forty-five months in which his failure is recorded. This is a much longer time on parole than some other states demand. If for instance, the prisoner did well on parole for one year after release and was then set entirely free as is done in some other states, the high per centage of our parole failures would be greatly reduced and we could show a pretty score of parole successes.

In State Prison and the Women's Reformatory the Board has much better success. The number of revocations is not very high. Various reasons might be cited for this fact at the Women's Reformatory. At State Prison men grow older and wiser before they are paroled. The moral inhibition, so tardily developed in the criminal, finally matures with age. At any rate the success here is all one might expect.

But in the case of the Concord Reformatory, too, we must keep our eyes on the success rather than the failure. If fifty per cent. of those paroled are a success, isn't that a great satisfaction? Isn't that a wonderful reclamation when dealing with material so fallible that it had previously resisted every other correctional measure?

If this success is not satisfactory to you, then, I ask what do you expect of your parole officials? Is it that they not only in every instance read the prisoner's heart and penetrate his hidden will, but that

they also go beyond this and divine the future? This seems so obviously a preposterous demand on human faculties that no one would make it in those terms; and yet, that is precisely what you demand when you reproach a Board for failing of complete success.

You would not, of course, expect a piece of official legerdemain, by which a criminal, habitual or accidental, is converted into a saint. No such magic is visible in any other process of dealing with the criminal, so why expect the miraculous from the parole officials?

And if you are not satisfied with the parole successes, it would be easy to ask if the failures are to be attributed only to the Parole Board that grants liberty? I might ask if you would not place some blame on the institution, or some on the parole agent who has the after-care? I shall go beyond that, assuming that each of these officials has done his part, and ask if society itself must not accept some blame.

Let us examine into what sort of community we release our paroled man. Is it a quiet normal, well ordered, sanely poised community such as might readily absorb this weak and fallible material? Or is it a community of racing pulse, quivery nerve and dizzy brain? You know the answer too well. Society in its present half-mad mood must take its share of the blame when men released from prison fail to react in consonance with their good resolutions.

Let your parolee be a sex offender and what does he find when he steps out of prison? He finds the face of modesty ground into dust. The flapper who has become a by-word is flouting chastity with eye, form and gesture. In many cases girlhood has swapped its blush for the painted cheek and the scarlet lips which were once the special mark of the underworld drab. The cheap dance hall permits a freedom of action and a promiscuity of contact that have reached about the last degree of daring extreme. At the bathing beaches the body is shown with a freedom hardly dared of old by the Greeks. And in the newspapers and magazines, the feminine form stares at you almost wholly unclothed. Sex stories, varying in piquancy and salaciousness can be had from two dollars a popular volume to fifteen cents in magazine form. If into this Saturnalia of shamelessness we send our criminal weakling for reform, let us say at least as we send him forth: "God help you." I do not say this with any prudishness or personal

sense of moral exaltation. In my casual mood I regard all this with the complacency common to all of us. I only become reflective when we are taking account of stock.

Is your parolee an automobile thief? He finds us all riding at high speed. We have been caught off our feet by the swift movement of the motor. Everywhere motors buzz like bees in a hive. In this circus of speed and motion the ex-prisoner feels his feet palsied and halt. A torrent of temptation not easy to resist sweeps over him.

Maybe it is a burglar or robber you turn loose. He soon finds a payroll that he could not earn in a life time, lightly carried and poorly defended. And for a few dollars he buys a revolver from a dealer who sleeps with easy conscience even though that gun kills you in an hour. Nor does your daily press discourage the robber's weakness. His crime is the biggest news. Publicity, running promiscuously amuck, is accessible to boot-black and banker alike. Nobody, not even the alley cat, is too unimportant for the newspaper notice.

This extravagant and ethically questionable publicity for the criminal is especially interesting. When a moron gunman is allowed to elbow out of the news headlines even our greatest statesmen, and in any event to take on equal news importance with them, is it to be wondered that he loses his sense of proportion? As Mr. Dooley says, "He gits much more attintion than his crime deserves." Is he then responsible for the inflated criminal ego that results from this sinister halo of publicity? When the over-advertised criminal goes to prison it is with the swagger of bravado, rather than with the dread of punishment or with the resignation of a penitent.

And let us not ignore the poor but humble drunkard. How do we prepare him for a state of grace? By loading every boot-leg with a bottle. We have closed the legitimate saloons to John Barleycorn only to open up to him the freedom of the highways and byways. But is it poor institution drunks who are responsible for this bootlegging deluge? Could they alone in their poverty and paucity evoke such a copious flow of alcohol against the Volstead law of gravitation? Isn't it the free and unscathed bibber who brings on the flood in which the inebriate's good resolutions and moral strength are drowned?

Perhaps you will say that this picture of social conditions is impressionistic rather than literal. Maybe it is. But it is not an inaccurate representation. We are still reaping the after effects of the war. The shock of the actual war has left vibrations which have not yet died down. Millions of young men were sent forth to dare, to risk everything and not stop to count costs. The old restraints were thrown to the wind and have not yet been recovered.

In conclusion, I say, society as well as particular officials, must play its part toward the paroled man and woman. We must ask ourselves if we are fit to receive them. Too often they take their cue from our weaknesses instead of from our virtues. Disraeli said that "dunces console themselves with the mistakes of clever men." It is equally true that the crook takes evil courage from the flaws of an honest man.

So let us help to reform the paroled man by exacting something from ourselves when demanding so much of him. If we want him to reform in full, let us all reform a little with him.

BRINGING UP THE BOY

JOHN A. EISENHAUER

Superintendent, Cleveland Boys' Farm, Hudson, Ohio

(The following outline for training the boy, morally, mentally, and physically, applies to the boy on probation as well as in the institution. It was presented with comments at the joint session of the Association with the Conference of Juvenile Agencies at the Prison Congress.—Ed.)

"Into the twilight of the world are launched each year these millions of tiny ships. Under a sky of cloud and stars they grope out to the great waters and the great winds — little sloops of life on whose voyaging the future hangs."—JOHN GALSWORTHY.

I. GENERAL MANNERS:

A. Cleanliness of body, teeth, clean neck, ears, etc.

- B. Cultivation of habits of politeness, punctuality, consideration and gentler demeanor on proper occasions.
- C. Regularity of hours of eating, sleeping, etc.
 - a. Not mother's foibles only, but
foundation for future physical strength and endurance.
- D. Manners at table and in washroom are indicative of degree of character and culture.

II. RESTRAINTS OF SPEECH:

- A. Vapidness of slang.
- B. Viciousness and uselessness of swearing.
- C. Speech is thought transferred into words.
- D. Beginning of self-restraint and self-control.
- E. Truth-telling emphasized.
 - a. Wm. James' "Inhibition by Substitution."

III. RESPECT FOR AGED FOLK, AND INCREASING RESPECT FOR WOMANKIND:

- A. A test of good breeding and worthy young manhood.

IV. RESPECT FOR RIGHTS OF OTHERS:

- A. Peace and Stability of society largely based upon recognition of these rights.
- B. Meum et tuum.

V. THEIR READING:

- A. Meager content of modern papers and magazines.
 - a. Improper emphasis put upon modern newspaper sport pages,
- B. Introduction to proper books, authors and music.
- C. Communion with greatest minds of the past.
- D. Lessons unconsciously drawn from good books.
 - e. g. Heroes like Jim Hawkins are never:
 - a. untruthful, cruel or cowardly, but,
 - b. are obedient, courageous and honorable.

VI. CHOOSING THE RIGHT COMPANIONS:

"Tell me with whom you associate——"

VII. PROPER STUDYING EMPHASIZED:

- A. Supervised school study.
- B. Habit of concentration acquired, and methodical ways.

- C. Unfolding of different ends sought: cultural and vocational.

VIII. GROWTH OF RESPECT FOR AUTHORITY; OF,

- A. Parents.
- B. Teachers.
- C. Civil Authorities.
- D. God.

IX. REALIZATION THAT AMUSEMENTS, COMPANIONS, READING AND USE OF SPARE TIME ARE SHAPING THEIR FUTURES POWERFULLY.

- A. How bad habits enslave us,—how good habits may be formed as well as bad ones.

X. RESISTING THE TEMPTATION TO SMOKE AT TOO EARLY AN AGE.

- A. Negative view:
 - a. Physical and intellectual harm.
- B. Positive virtue:
 - a. Benefit to growth.
 - b. Increase in power of endurance.
 - 1. Testimony of Ty Cobb, Speaker, Clark Griffith, (Henry Ford's booklet).
 - c. Aid to growth of will power.
 - d. Lesson of sacrifice of present for future gain.

XI. BEGINNINGS OF MORE DEFINITE VOCATIONAL AIMS AND A SEARCHING OF SELF TO FIND "PROPER SPHERE" IN LATER LIFE.

- A. Through counsel of teachers and elders.
 - a. We "pass" or "fail" ourselves.
- B. Through experience.
 - a. By work during vacations, or Saturdays, etc.

XII. GROWING KNOWLEDGE OF THEIR BODIES AND PHYSICAL MAKEUP.

- A. Increasing care and appreciation of same.
- B. Reverence for their own bodies as,
 - a. "Something loaned them——"
 - b. "Temples of——"

XIII. IMPORTANCE OF THRIFT HABIT.

- A. In saving and earnings.
- B. Proper use of pocket money.
- C. "There must be roots before there can be fruits."
"Capital before interest."

XIV. A BOY SHOWS HOW BIG HE IS BY THE THINGS HE HAS OUTGROWN:

- A. Clothing.
- B. Habits:
 - a. "There is a big tree inside of every acorn."

XV. IMPORTANCE OF PERSONAL APPEARANCE AND KIND OF LANGUAGE USED.

- A. Really only two ways of making favorable snap impressions,
 - a. Outward neatness and cleanliness of clothing,
 - b. Kind of language used in ordinary conversation.

XVI. PLAYING THE GAME:

- A. Fairly: eulogy of Mike Tiernan: "He obeyed the rules and played the game."
- B. Generously—"Why is Dead Sea Dead?"
- C. Learning to take defeat properly; Success also.
- D. Force of example of adults.
- E. "Young man make your record clean."—JOHN B. GOUGH.

XVII. CULTIVATING THE SOCIAL AMENITIES:

- A. Good judgment and taste.
- B. "Don't put unkindness into your snowballs."
- C. "Think"—N. C. R. Co.

XVIII. PERIOD WHEN HABITS OF PUNCTUALITY, HONESTY, CLEAN SPEECH AND THOUGHTS, RESPECT FOR AUTHORITY, AND PROPER SOCIAL VIEW-POINT ARE INDELIBLY IMPRESSED.

- A. "Vital importance of period of adolescence"—
STANLEY HALL.
- B. Significance of "Boy is father of man."
- C. Proper appreciation of law enforcement; not a contest merely of wits between the law and law-breakers.

XIX. CONSCIOUS SELF-DISCIPLINE ALONG LINES OF:

- A. Clean thinking.
- B. Taking the manly view point, unconsciously, in the various reactions.
- C. Doing the manly thing.
- D. Cultivating the habit of self denial and sacrifice in interest of others:
 - a. In sports.
 - b. In beginning of social intercourse.
 - 1. Sir Philip Sidney, etc.
 - c. In the multitude of daily situations.
- E. Establishment of a "Serial Transfer."
- F. "Never do anything you would be ashamed to tell your mother."

XX. IMPORTANCE OF EFFORT IN THIS WORLD.

- A. Importance to realize that effort really counts.
- B. In primitive life guiding rule was the law of status: Change meant deterioration.
- C. "All change is error and all error leads to hell fire:"

The Koran.

XXI. EDUCATIONAL TRAINING:

- A. A good education now a prime necessity.
- B. One field in which unqualified selfishness is allowable.
- C. Something which no one can take away.
- D. Transmissibility of acquired characteristics and biological traits.
- E. In education lies our great hope of progress for
 - a. Education alone keeps the Social Inheritance in existence.

XXII. POWER OF PRECEPT AND EXAMPLE:

- A. Hero-worship an innate quality.
 - a. Too close proximity to our charges often destroys the enchantment.
 - b. We are held by them to a standard of comparative infallibility.
 - c. Too little allowance is often made for human errors.
 - d. Unwise newspaper publicity aggravates the situation.

- B. Highest type of character and intelligence essential in institutional employees.
 - a. Not only in departmental heads and teachers but also in minor workers, are
 - 1. Carelessly used language both as to content and form.
 - 2. Untidy habits: careless manners.
 - 3. Lack of consideration of feeling of others.
 - 4. Poor exhibitions of sportmanship.
 - 5. Unwise smoking and chewing tobacco.
 - 6. Drinking and gambling.

XXIII. FOSTERING AND CO-ORDINATING INTEREST IN THE SCIENTIFIC AND PHILOSOPHICAL INTEREST IN LIFE:

- A. Distinction between the "how" and the "why," scientific vs. philosophical standpoints.
- B. Three fundamental viewpoints:
 - a. Openmindedness:
 - 1. Child to learn not to form too hasty judgments.
 - 2. "Hand-me-down" judgments to be passed off on child only in very exceptional cases.
 - 3. Prussian system of elementary education.
 - 4. Docility vs. Self-Direction.
 - b. Co-operation:
 - 1. Realization of importance of our Social Inheritance.
 - 2. How dependent we are on others for our physical existence and well being.
 - 3. Democracy is a mode of associated living.
 - 4. Degree of progress is directly proportionate to degree of co-operation.
 - c. Respect for personality of Individual.
 - 1. Kant's Dictum: "So act as to treat humanity, whether in thine own person or in that of any other in every case as an end withal, never as a means merely."

XXIV. TYPES OF SOCIAL CONTROL AND APPEALS OF DISCIPLINE.

- A. Gamut of general appeal:
 - a. Fear of physical violence.
 - b. Fear of losing privileges.
 - c. Fear of disapproval of others.
 - d. Hope of reward.
 - e. Desire for goodwill of others.
 - f. To be good for goodness' own sake.
- B. Punishment to be viewed from two standpoints:
 - a. Respect for personality of others.
 - 1. A deterrent.
 - b. With reference to the personality of the one disciplined.
 - 1. With respect to his own improvement.
- C. Discipline always to be put on as high a scale as possible.
- D. Appreciation of the fact that the determining factor in moral behavior is the will.

"He who helps a child helps humanity with a distinctness which no other help given to human creatures in any other stage of their human life can possibly give again."—PHILLIPS BROOKS.

NATIONAL PROBATION ASSOCIATION, Inc.

BY-LAWS

Adopted May 31, 1919. Amended April 14, 1920, June 21, 1921,
June 22, 1922.

ARTICLE I—NAME

The corporate name of this organization shall be the National Probation Association, Incorporated.

ARTICLE II—OBJECTS

The objects of this Association are:

To study and standardize methods of probation and parole work, both juvenile and adult, by conferences, field investigation and research;

To extend and develop the probation system by legislation, the publication and distribution of literature, and in other ways;

To promote the establishment and development of juvenile courts, domestic relations or family courts and other specialized courts using probation;

To cooperate so far as possible with all movements promoting the scientific and humane treatment of delinquency and its prevention.

ARTICLE III—MEMBERSHIP

The membership of the Association shall consist of persons and organizations who apply for membership and are accepted by the Board of Directors and who pay dues annually. Members shall be classified as active members, contributing members, supporting members, sustaining members, patrons, life members, and organization members. Active members shall be those who pay dues of \$2.00 or more a year; except that when arrangements are made for the affiliation of all of the members of a state or local association of probation officers, paying joint dues in the local and national association the Board of Directors may authorize a reduction of dues for active membership. Contributing members shall be those who contribute \$5.00 or more annually to the Association. Supporting members shall be those who contribute \$10.00 or more annually to the Association. Sustaining members shall be those who contribute \$25.00 or more annually to the Association. Patrons shall be those who contribute \$100.00 or more during a single calendar year. Life members shall be those who contribute \$1000.00 or more to the Association. Organization members shall consist of organizations, courts or institutions which shall contribute \$10.00 or more annually to the Association. Members who fail to pay their dues after reasonable notice in writing by the Treasurer or General Secretary shall thereupon cease to be members.

ARTICLE IV—OFFICERS

The officers of the Association shall consist of a President, Vice-President, General Secretary, Treasurer and Board of Directors. The President and Vice-President shall be elected by ballot at the annual meeting of the Association. They shall serve one year and until their successors are elected. The General Secretary and Treasurer shall be elected by the Board of Directors and shall serve during its pleasure. The Board may elect honorary vice-presidents in its discretion who shall serve during its pleasure.

ARTICLE V—DUTIES OF THE OFFICERS

The President shall act as Chairman at all business meetings of the Association. In the absence of the President, the Vice-President shall so act. The General Secretary shall be the chief executive officer of the Association. The Treasurer shall have charge of the finances of the Association and shall report thereon to the Board of Directors.

ARTICLE VI—BOARD OF DIRECTORS

The Board of Directors shall consist of twenty members so elected that the terms of five shall expire each year. At each annual meeting of the Association five directors shall be elected by ballot. The Board shall elect its Chairman annually. The Board may fill a vacancy occurring among the officers or members of the Board of Directors until the next annual meeting of the Association, at which time a successor shall be duly elected for the unexpired term.

ARTICLE VII—DUTIES OF DIRECTORS

The Board of Directors shall have general direction of the work of the Association and shall administer the funds of the Association. It shall report to the Association at the annual meeting and at such other times as the Association may require.

ARTICLE VIII—EXECUTIVE COMMITTEE

There shall be an Executive Committee consisting of five members of the Board of Directors. Such Committee shall consist of the Chairman of the Board who shall act as Chairman of the Committee, and four members of the Board to be appointed by the Chairman annually. Such Committee shall have the powers and perform the duties of the Board of Directors between its meetings, subject to the approval of the Board. Three members shall constitute a quorum.

ARTICLE IX—OTHER COMMITTEES

A Nominating Committee consisting of five members of the Association shall be appointed by the President each year to nominate the officers to be elected by the Association. Such standing and special committees as may be authorized by the Association or the Board of Directors shall be appointed by the President.

ARTICLE X—MEETINGS

The annual meeting of the Association shall be held on the third Tuesday in May or on such day as may be determined by the Directors. Special meetings may be held as determined by the Directors. Ten members shall constitute a quorum. Meetings of the Board of Directors shall be held as it may determine. Five members shall constitute a quorum of the Board.

ARTICLE XI—AMENDMENTS

These by-laws may be amended by a two-thirds vote of the members of the Association present at the annual meeting, subject to the approval of the Board of Directors.